

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

ALLAHABAD

Original Application No. 431 of 1992

Allahabad this the 24th day of November 1995

Hon'ble Dr. R.K. Saxena, Member (J)
Hon'ble Mr. S. Dayal, Member (A)

Piyare Lal, S/o Shri Sukkhan, R/o Village Chandpur
Pargana and Tehsil Soram, Distt. Allahabad.

APPLICANT

C/A Shri R.K. Nigam
Shri M.A. Siddiqui.

Versus

1. Union of India through the Ministry of Communication,
New Delhi.
2. Senior Superintendent of Post Office, Allahabad
Division, Allahabad.
3. Sajjan Prasad, S/o Shri Ram Adhar, R/o Village
Manikpur, Distt. Allahabad.

RESPONDENTS.

C/R Shri A.K. Gaur.
Shri S.C. Tripathi.

ORDER

By Hon'ble Mr. S. Dayal, Member (A)

This is an application under Section 19 of the
Administrative Tribunals Act, 1985.

2. The applicant seeks the following reliefs through this application :

- (i) Quashing of the order dated 12.3.1992.
- (ii) Direction to the respondents not to take charge from the applicant.
- (iii) Award of cost of this application.

3. The applicant was appointed as E.D.B.P.M. in place of Shri Ram Sundar and took over charge on 11.1.1992. He fulfilled all the eligibility conditions for the post. The respondent no.2 who is Senior Superintendent of Post Offices at Allahabad, appointed respondent no.3, Shri Sajjan Prasad as E.D.B.P.M. of the Post Office by his order dated 12.3.1992. It is alleged that respondent no 3 is merely a High School and does not own land in the village where Post Office is situated.

4. The relief has been claimed firstly on the ground that the applicant is a graduate while the respondent no.3 is merely a High School third division. The respondents have stated that the respondent no.3 and applicant both were considered for appointment to the post and had comparable educational qualification.

5. The second ground on which relief has been claimed is that the applicant owns land in the village

where Post Office is situated while respondent no.3 does not. The respondents have stated in the Counter-affidavit that respondent no.3 had "much landed property" in comparison to petitioner. It is also mentioned that applicant was not a resident of village Chandpur while respondent no.3 was a permanent resident of the said village. The learned counsel for the applicant had stated during oral arguments that Chandpur and Soraon were one and the same place while the learned counsel to the respondents had mentioned during oral arguments that Soraon was seven kilometers away from Chandpur.

6. The Counter-affidavit also mentions that on promotion of Shri Ram Sunder, E.D.B.P.M., Chandpur as Postman, the charge should have been handed over to E.D.D.A. but, Shri Ram Sunder handed over the charge to the applicant, who was his brother, without permission and approval of the official respondents. The fact that the applicant has not produced any order of his own appointment but, merely produced the handing and taking over of charge report which was clearly collusive in view of the relationship of the persons handing over and taking over the charge and does not negate - the averment of the official respondents in the Counter-affidavit that the posting was without permission and approval of the official respondents.

7. The applicant has made a claim that he was

a Scheduled Caste Candidate belonging to Chamar community and, therefore, he should be given preference. This is not tenable because the vacancy is not shown to be reserved for the Scheduled Castes. The unauthorised notice of his appointment further disqualifies him from getting considered on a preferential basis.

8. The Counter-affidavit states that of the applicant and respondent no.3, the better was found more suitable in the selection. Since the office for making the selection had found respondent no.3 a better candidate from an overall assesment, this Tribunal has no reason for interfering in the selection.

9. The application, therefore, fails and is dismissed. The applicant is not entitled to any of the reliefs claimed.

10. There shall be no order as to costs.

Member (A)

Member (J)

/M.M./