

THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH-ALLAHABAD.

O.A. No. 700 of 1992.

Hirdai Narain Rai..... Applicant.

Versus

The Union of India & others..... Respondents.

Hon'ble Mr. K. Obayya - Member (A).
Hon'ble Mr. A.K. Sinha - Member (B).

(By Hon'ble Mr. K. Obayya - A.I.)

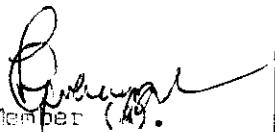
For the post of Extra Departmental Post Master (EDP) Bahrauli Kalan, District Ghazipur, which became vacant due to termination of one Sri Kashi Nath Rai in May, 1991, a requisition was sent to Employment Exchange for sponsoring eligible candidates. In response thereto names of four candidates were received. The name of applicant was also contained in the list. The appointing authority after considering relative merits of the candidates appointed one Ashok Kumar and he also subsequently assumed charge of office on 16.6.92. The appointment order of the said Ashok Kumar (Respondent no.2) is assailed by the applicant on the ground that since he had been working for more than 20 days and he had better qualification, but his case was wrongly bypassed in favour of some other candidate who has lesser qualification and claims for the post. It is also stated that according to the rules a person who is serving in the department as E.D.P. alone has to be selected for the post.

2. The respondents have conceded the case and in the written statement it is stated that in the Branch Post Office Bahrauli Kalan the applicant who was performing his duties as delivery agent was asked to look after E.D.P.'s work as the regular incumbent Sri Kashinath Rai involved in a fraud case and his service was terminated on 21.5.91. The applicant was only temporarily engaged as E.D.B.P. till finalisation of the disciplinary proceeding. Thereafter regular selection

took place in which one Ashok Kumar was found suitable on merit and after necessary training he took charge of the office on 15.3.92. So far as preference to be given to those who were already in service, no doubt that one can be considered in selection, but there is no rule to the effect that only those who were serving in the department on adhoc capacity have to be considered to the exclusion of others for regular selection.

3. From the perusal of the record, it is noticed that names of four candidates were received and one Ashok Kumar who is Scheduled Caste candidate was considered more suitable candidate not only on the basis of qualification but also due to the point that he satisfied the conditions prescribed for the appointment to the post. He has also secured more marks than the other candidates. He has secured 50.33% in the school examination in comparison to 30.2% secured by Sri Ram-Singh Yolav IVth candidate in the list sponsored by the Employment Exchange. The applicant has secured 48% marks and after considering the totality of the facts and the criteria laid down, the Competent Authority has selected Sri Ashok Kumar who was duly appointed to the post. For these reasons, we do not see that there is any irregularity or illegality in the appointment order. The application in our opinion has no merit and accordingly it is dismissed with no order as to the costs.

Ashok Kumar Jetha
Member (C).
Dt: March 20, 1993.
(DPS)


Member (A).