

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Original Application No. 727 of 1992

Budhi Prakash Sharma Applicant
Versus
Union of India and Others Respondents

CORAM:

Hon'ble Justice U.C. Srivastava, V.C

Hon'ble Mr. K. Obayya, Member(A)

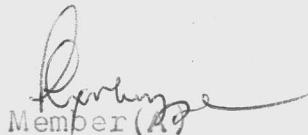
The pleadings are complete, the case is being heard and disposed off finally. The post of Extra Departmental Branch Post Master Gazipur ~~had~~ (Firozabad), fallen vacant due to retirement of Sri Narottam Singh Sharma on 3.2.1991. A requisition was sent to Employment exchange Firozabad to furnish the list of suitable persons for the appointment of the said post. The persons who were possessing the requisite qualifications were addressed to apply in the prescribed form. The applicant was also one of the candidates for the said post. He has been holding the charge of EDDA at Gazipur B.O... It was there after action for verification of character and antecedent through police authorities and other details were verified and after verification it was found that the applicant was not prepared to resign from the post of EDDA Gazipur and the case of his brother

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who also applied for the same was also not found fit for appointment. One another person Vishnu Dutt Sharma who was educated upto High school and having room was selected and given appointment. The appointment of Vishnu Dutt Sharma has been challenged by the applicant. The question is that incase the applicant is not entitled for the said post and he is not prepared to resign the post which he held, obviously he has no right to challenge/the said post or claim appointment of any one. It is in the jurisdiction of the authority concerned to select the best amongst and Sri Vishnu Dutt was the best amongst all and he fulfilled the requisite qualifications. There being no good ground to interfere in this case. The applicant who was holding the charge of the office cannot resist the appointment and hold two charges. A person cannot be allowed to hold two charges and he can give the second charge only in the absence of any regular appointment.

2. With these observations the application is dismissed. No order as to the costs.


Member (R.P.)


Vice Chairman

Dated: 14th January: 1993:
(Uv.)