

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 1337 of 1993

Allahabad this the 01st day of August, 2000

Hon'ble Mr.S.K.I. Naqvi, Judicial Member  
Hon'ble Mr.M.P. Singh, Admn. Member

Mool Chand Son of Sam Briksha, Resident of  
Village Mansoorganj, Khurd, P.O. Mansoorganj,  
District Maharajganj(U.P.)

Applicant

By Advocate Shri D.P. Chaturvedi

Versus

1. Union of India through Post Master General  
(P.M.G.) at Gorakhpur.
2. Senior Superintendent of Post Offices  
at Gorakhpur.
3. Sri Raghav Singh, S/o Kailash Singh,  
Resident of Village Mansoorganj Khurd,  
P.O. Mansoorganj, Khurd, District Maharaj-  
ganj.

By Advocates Shri Satish Chaturvedi,  
Shri K.C. Sinha (for respondent no.3)

O R D E R ( Oral )

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

Of the 5 sponsored candidates to fill  
in the vacancy of E.D.B.P.M., Mansoorganj Khurd,  
Maharajganj, Shri Raghav Singh was found to be  
the most suitable candidate, hence appointed, but  
his appointment has been challenged by the

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applicant-Shri Mool Chand, through this O.A. under Section 19 of the Administrative Tribunals Act, 1985. The applicant challenged the appointment of the respondent no.3-Shri Raghav Singh mainly on the ground that he-the applicant-and Shri Raghav Singh-respondent no.3 fulfilled all the requirements but he has an *edge* over Raghav Singh for having secured better percentage of marks in qualifying High School Examination and, therefore, he has sought relief to the effect that the appointment letter issued in favour of the respondent no.3, be set aside and he be appointed to the post.

2. The respondents have contested the case. Official respondents and respondent no.3 have filed separate counter-replies respectively but main emphasis has been laid on the fact that the post of Extra Departmental Branch Post Master(E.D.B.P.M.) Mahsoorganj Khurd, Maharajganj fell vacant on retirement of Shri Kailash Singh. The Employment Officer, Maharajganj was asked to sponsor 3 to 5 names of eligible candidates for the post and the Employment Officer sponsored 5 candidates, which includes the applicant at serial no.1 and respondent no.3 at serial no.5. As per respondents case, all the aforesaid candidates <sup>had</sup> ~~were~~ fulfilled all the conditions for the post, but Raghav Singh-respondent no.3 had enough experience as he had worked as a substitute w.e.f. 18.9.92 to 30.9.92, 08.10.84 to 16.10.84 and 17.5.87 to 17.6.87 and his age was about 30 years, hence he was selected for the post

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in accordance with instructions, conveyed vide Chief Post Master General, U.P. Circle, Lucknow, letter dated 23.2.1987.

3. Heard, the learned counsel for the official respondents as well as private respondents and perused the record.

4. We find that the applicant as well as respondent no.3 fulfilled all the requirements for the post in question, but applicant-Mool Chand has an *edge* for having secured more marks in the High School Examination than the respondent no.3 but at the same time, the respondent no.3 scored over applicant for having gained experience in the department ~~or~~ for having worked as substitute ~~at~~ that post for several months and the department has given more ~~w~~eightage to the experience than the percentage of marks, having difference of only about 3%. Under the circumstances, we are not inclined to disturb the present position, which is continuing for more than six years.

5. For the above, the O.A. is dismissed.  
No order as to costs.

  
Member (A)

  
Member (J)