

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO. 386 OF 1993

MONDAY, THIS THE 9TH DAY OF DECEMBER, 2002

HON. MR. JUSTICE R.R.K. TRIVEDI, VICE CHAIRMAN

HON. MR. GOVINDAN. S. TAMPI, MEMBER-A

Bharosi Lal  
a/a 37 years  
s/o Shri Baldeo,  
r/o Village, Niwali Bansa  
post Niwali Bansa  
District, Hamirpur ----- ----Applicant

(By Advocate:-Shri R.K.Gupta)

Versus


1. Union of India through Post Master General, Kanpur.
2. Superintendent of Post Office,  
Banda Division,  
Banda.
3. Shiva Charan Dwedi,  
s/o Shri Vishwanath  
Village and post,  
Niwali Bansa,  
District:- Hamirpur. ----- ----Respondents-

(By Advocate:- Shri R.C.Joshi)

**O R D E R**

HON. MR. JUSTICE R.R.K. TRIVEDI, VICE CHAIRMAN

BY this O.A under section 19 of Administrative Tribunals Act, 1985, applicant has challenged the appointment of respondents No. 3 as EDBPM at village Niwali Bansa in district, Hamirpur. The respondents by letter dated 11-5-1992 requested Employment Officer, Hamirpur to forward few suitable names for appointment as EDBPM in the aforesaid Post Office. The four names were sponsored including that of applicant and respondents No. 3. Respondents prepared a chart for selection of the suitable candidates in which the merit was to be assessed on the basis of the marks



secured in High School Examination . Respondents No. 3 secured 44.2% marks in High School, whereas applicant Bharosi Lal <sup>had</sup> secured only 41.2 % marks. As the respondent NO. 3 secured higher percentage of marks, he was selected and appointed. Respondent No. 3 also fulfilled the conditions that he had a Pakka room in a village for housing the Post Office. It has been stated in the counter that another candidate Sudarshan had secured more marks than respondent No. 3, but he did not have room required for housing the Post Office, hence he was not selected. Moreover, Sudarshan has not challenged the appointment of Respondents No. 4. In the circumstances, we do not find any illegality in the appointment of respondents No. 3. The application has no merit and <sup>is</sup> accordingly dismissed. There shall be no order as to costs.

Member-A

Madhu/

Vice Chairman