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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 04th day of March 2002.

Original Application no. 646 of 1993.

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman
Hon'ble Maj Gen K.K. Srivastava, Member (A)

Sri Ashutosh Yadav, S/o Sri R.M.S. Yadav,
Extra Departmental Agent, Vill. and Post Office
Naisare Nandganj, Ghazipur, R/o Vill. Naisare
Pargana Nandganj, Distt. Ghazipur.

... Applicant

By Adv : Sri S. Verma & Sri S.K. Verma

V E R S U S

1. Sub Divisional Inspector (Postal)
Central Division, Ghazipur.
2. Superintendent of Post Offices,
Ghazipur.
3. Additional Director (Postal),
Office of Chief Post Master General,
Lucknow.
4. Sri Virendra Kumar Singh Yadav,
S/o Sri C.S. Yadav, R/o vill Dawpur,
Vill and Post Office Navlare, Ghazipur.

... Respondents

By Adv : Sri S. C. Tripathi & Sri A. Sthalekar



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2.

ORDER

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

By this OA, filed under section 19 of the A.T. Act, 1985, the applicant has challenged the appointment of respondent no. 4 as EDDA/EDMC in Post Office Naisara Ghazipur.

2. Learned counsel for the applicant has submitted that vacancy arose on 23.11.1992 in village Naisara for the post of EDDA/EDMC. Thereafter, the delivery jurisdiction was changed by including village Dawpur with the delivery jurisdiction Naisara by order dated 11.12.1992 (Ann 2). It is submitted that this action was only to appoint respondent no. 4 who has not residential accommodation at Naisara. It is also submitted that the applicant has better marks than respondent no. 4 and he has been appointed only on account of influence of respondent no. 3.

3. We have considered the submission of learned counsel for the applicant. The order dated 11.12.1992 was passed by Senior Supdt. of Post Office. It is difficult to accept that this order was not in public interest. No facts and figures have been brought on record to show that the order is arbitrary and in any case malafide. On behalf of the applicant it is also said that it was influence of respondent no. 3 on account of which, respondent no. 4 was appointed. For making such allegation against the official of the rank of respondent no. 3 it was necessary for the applicant to implead him by name, which in the present case has not been done. The allegation of malafide thus cannot be accepted as the persons against whom the allegation have been made, is not before us to answer the same. It is also submitted by learned counsel for the

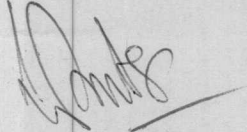
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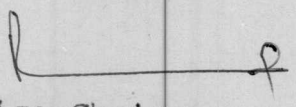
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applicant that the applicant was not selected on account of involvement in criminal case, but in the said case the applicant has been acquitted and his claim has been wrongly rejected. It is also said that stigma has been caused against the applicant.

4. On over all consideration, we do not ^{feel} satisfied that any illegality has been committed on appointing respondent no. 4. In the order there is nothing to show that any stigma has been ca-used against the applicant on account of involvement in criminal case. After he has been acquitted in criminal case ~~there~~ remains nothing. In the circumstances we do not find any good ground for interference by this Tribunal. Even if the applicant was not selected, he may apply again as he has already been acquitted in criminal case. In such case he may be considered sympathetically. The OA is decided accordingly.

5. There shall be no order as to costs.


Member (A)


Vice-Chairman

/pc/