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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD

Original Application No. 653 of 1993

Faujdar Yadav

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Applicant

Versus

S.S. of Post Office, Azamgarh & others

Respondents

Hon'ble Mr. Maharaj Din- Member-J

Hon'ble Miss Usha Sen - Member-A

(By Hon. Miss Usha Sen- Member Administrative)

The case is briefly stated as under:

2- A requisition was sent by the Sr. Supt. Post Offices, Azamgarh, to the local Employment Exchange to sponsor the names of the candidates for the post of the Extra-Departmental Branch Post Master, Dewara Naubrar (Azamgarh). The requisition which was dated 16-2-93/mentioned that place of work would be "Dewara Naubrar (Azamgarh)" ^{also} Annexure-CA-2. In response to this, the Employment Exchange sponsored the names of three candidates (Annexure-CA-1). The three candidates were shown as residents of the village Dewara Naubrar. On getting these names the Sr. Supt. Post Offices, Azamgarh, sent application forms to the 3 candidates on 11.3.93 to fill in the required particulars and return the same to him. The applications were received back on 22.3.93. Thereafter the concerned Sub-Divisional Inspector (Posts), East Azamgarh, was requested to enquire about their permanent residence, source of income, marks obtained in High School etc.. The respondents state that in the meantime four complaints were received in which it was alleged that there was no village by the name "Dewara Naubrar" and the candidates, who had ^{applied} actually belonged to the village "Naubrar Dewara Jadid Kite-I." These complaints were also given to the said Sub-Divisional Inspector (Posts) for enquiring vide

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letter dated 17-3-93 (Copy not attached by respondents). On enquiry the respondents found that actually there was no village known as "Dewara Naubrar" and the 3 candidates ¹ ~~also~~ ² *did* belonged to the village "Naubrar Dewara Jadid Kita-I" (refer para-9 of the C.A.) and not to "Dewara Naubrar" as mentioned by them in their applications (Annexure CA-3, CA-4 and CA-5) as well as by the Employment Exchange while sponsoring their names. Thereupon, the respondents sent a fresh requisition dated 15-4-93 to the Employment Exchange (Annexure CA-6) in which the name of the post was shown as EDSPM, Dewara Naubrar Jadid-I, and the place of work was also shown as Dewara Naubrar Jadid Kita-I. This was done in order to get names of candidates from the correct village and for the correct post. The respondents did not consider the names of the 3 candidates received earlier as that would have deprived the eligible candidates viz. those who belonged to the village Dewara Naubrar Jadid Kita-I, from being considered for the post. Further the 3 candidates had now become ineligible for the post since the candidates should belong to the village in which the post exists and they did not belong to Dewara Naubrar Jadid Kita-I as per their own applications. When the result of the selection was not made known to the applicant ^{of this CA,} he contacted the concerned office to know the reasons for the delay. The applicant has alleged that Shri R.K. Arya, Sr. Supdt. Post Offices, Azamgarh, demanded an illegal gratification of Rs. 20,000/- from the applicant and when the applicant refused to oblige him, he threatened to re-advertise the post. The applicant has alleged that the second requisition was sent to the Employment Exchange because he did not give the illegal gratification

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demanded of him. He has also stated that the name of the post-office was correctly mentioned as "Dewara Naubrar" in the first requisition since this is the very name printed in the "Classified List of Indian Post Offices" (1982 Addition) issued by the DGPT (Annexure-R-1). This name occurs ⁱⁿ under the Branch Post Offices mentioned below "Sardah". ⁸ The applicant had mentioned in his

application that ~~the name of the post-office was "Dewara Naubrar"~~ ^{the name of the post-office was "Dewara Naubrar"}. On the other hand the respondents state that the correct name of the village is "Naubrar Dewara Jadid Kita-I" as per "Alphabetical List of villages of Sagri

Tahsil ~~Yashil~~ (Annexure-7 of CA). Hence the respondents justify their sending the second requisition with the amended name of the Post Office and the village ^{whereas} ~~wherein~~ the applicant claims that the name of the post-office was correctly mentioned in the first requisition.

3- The case to be decided is whether there was any justification in not making the selection for the post in question on the basis of the first requisition dated 16-2-93 sent to the Employment Exchange and for sending the second requisition dated 15-4-93 (Annexure-CA6) with the changed names of the post-office and the village.

4- On an examination of the case, we find that even if we grant that the correct name of the post-office as well as the village is "Naubrar Dewara Jadid Kita-I" (as mentioned in paras 8, 9 and 14 of the C.A.) or "Dewara Naubrar Jadid-I" (as mentioned in the revised requisition dated 15-4-93 Annexure CA-6) and not "Dewara Naubrar" as was mentioned in the earlier requisition and, therefore, as argued by the respondent in para 14 of the C.A., the applicant was not eligible to be considered for the post since as per his application he did not belong to the village in which the post office was located ⁸ ~~which is an essential condition for eligibility as mentioned~~.

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² ~~interalia, in para-24 of the CA~~ but to ^{the} this village Dewara Naubrar, we find that there is a very glaring contradiction in this pertinent statement of the respondents. This is because the respondents have themselves unequivocally admitted in para-9 of the CA that the enquiry conducted by the Sub-Divisional Inspector (Posts) had revealed that the applicant ^{> of this CA} as well as the other 2 candidates sponsored by the Employment Exchange actually belonged to Naubrar Dewara Jadid Kita-I. It has also been stated in this para that on enquiry all the 3 candidates admitted that they belonged to this village despite their having mentioned the name "Dewara Naubrar" [>] in their applications. From these observations one would infer that inspite of Dewara Naubrar having been mentioned in the first requisition, the Employment Exchange actually forwarded the names of the candidates who were resident of ^{the} village Naubrar Dewara Jadid Kita-I. Since the name of the post office as well as the village mentioned in the amended subsequent requisition which purports to be the correct name, is actually the very same village to which all the 3 candidates sponsored by the Employment Exchange actually belonged, the 3 candidates were eligible to be considered for the post and could not be disqualified on the ground that in their applications they had mentioned the name of their village as "Dewara Naubrar". The other argument of the respondents that because the name was incorrectly mentioned, therefore, the candidates actually belonging to the village Naubrar Dewara Jadid Kita-I had been deprived of a chance for being considered for the post would not hold ground because it is obvious that the Employment Exchange had understood the name "Dewara Naubrar" as actually meaning "Naubrar Dewara Jadid Kita-I" since he sponsored the names of all the 3 candidates from this village only. The Employment Exchange had chosen in his wisdom to sponsor the names of these 3 candidates to

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the exclusion of other eligible candidates, if any, from this village of Naubrar Dewara Jadid Kita-I although mentioning the name of the village of their residence as Dewara Naubrar(as per the name mentioned in the requisition) and we can not ^{have} question the discretion or action of the Employment Exchange in the matter. It has been mentioned in the CA(Para-9) that actually there was no village by the name "Dewara Naubrar". This ^{would} ~~could~~ also lend force to the thinking that ^{the} ~~name~~ "Dewara Naubrar" was being actually understood by the people of the area as "Naubrar Dewara Jadid Kita-I". It would be seen that the respondents themselves have at ^{many} ~~every~~ places, stated that the correct name was Naubrar Dewara Jadid Kita-I whereas in their amended application which ^{purports} ~~purporting~~ to mention the correct name they have used the words "Dewara Naubrar Jadid-I", thus interchanging the position of the first two words as well as omitting the word 'Kita'.
4 Incidentally, another anomaly that appeared to us was that in para-9 of the CA it is stated that on receipt of four complaints the Sub-Divisional Inspector (Posts) was asked vide the letter dated 17.3-93 to enquire into the allegations made in the complaints that the candidates had given the name ^{of} ~~their~~ village falsely as "Dewara Naubrar" when they actually belonged to Naubrar Dewara Jadid Kita-I and that there was actually no village by the name of Dewara Naubrar." It is anomalous that ^{these} ~~these~~ complaints could have been given to the said Sub-Divisional Inspector(Posts) on 17-3-93 because the applications ^{were} ~~was~~ filled in by the candidates and also received by the respondents only on 22-3-93 (Para-6 of CA).

5- The relief sought by the applicant is that the selection for the post should be made on the basis of the first requisition to the Employment Exchange and the names sponsored by the Employment Exchange in response thereto. He has also sought the relief that the respondents be directed to appoint the applicant as a result of this selection since he was the most suitable ~~one~~ of the 3 ^{applicants} ~~applicants~~ candidates.

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6- In the light ^{of our} examination of the case, we grant the first relief viz. that the respondents should not disqualify the candidates sponsored by the Employment Exchange in response to their requisition dated 16-2-93 on the ground that the name of the post office and the village mentioned therein was "Dewara Naubrar" whereas the candidates belonged to the village Naubrar Dewara Jadid Kita-I, but should complete their selection for the post from amongst the 3 candidates so sponsored by the Employment Exchange. The other relief viz. that the respondents be directed to appoint the applicant to the post cannot be granted by this Tribunal as that would depend on an examination of the comparative merits of the candidates by the Executive Authority competent to decide the same. The application is, thus, partly allowed.

No order as to costs.

Usha Sen
MEMBER -A

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MEMBER-J

DATED: ALLAHABAD December 14, 1993.

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