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CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH

THIS THE 31<sup>st</sup> DAY OF AUGUST, 1995

Original Application No. 1022 of 1993

HON. MR. JUSTICE B.C. SAKSENA, V.C.

HON. MR. S. DAS GUPTA, MEMBER (A)

Krishna Nand Shukla, S/o Ram Autar Shukla  
Resident of Village and Post Office Maholi  
Police Station Maharajpur, District Kanpur.

..... Applicant

BY ADVOCATE SHRI NARENDRA KUMAR

Versus

1. Union of India through Ministry of Posts and Telegraphs Department New Delhi.
2. Post Master General, Kanpur Range, Kanpur.
3. Senior Superintendent of Post Offices Kanpur Division, Kanpur.
4. Om Narain Dixit Son of Raj Narain Dixit, resident of village and Post Office Mahaoli, Police Station Maharajpur, district Kanpur.

..... Respondents

BY ADVOCATE KM. SADHANA SRIVASTAVA

O R D E R (Reserved)

JUSTICE B.C. SAKSENA, V.C.

For the reasons indicated and recorded in the order sheet dated 24.8.95 in our order we had proceeded to hear the OA. Km. Sadhana Srivastava, learned counsel for the respondents, was heard. Counsel for the applicant did not appear. *bc*

2. Through this OA the applicant challenges an order dated 16.6.93 passed by the Senior Superintendent of Post Offices Kanpur Division, Kanpur. Through that order the respondent No.4 Om Narain Dixit has been appointed to the post of Shakha Dak Pal, Post office Maholi. Copy of the said order appointing the respondents no.4 has not been filed by the applicant.

3. The brief facts giving rise to the OA are that an advertisement was issued for filling up of temporary posts of Shakha Dak Pal, Post office Maholi. The applicant alleges

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that he got himself registered for employment in the Regional Employment Exchange, Kanpur. The applicant applied for the said post annexing all the requisite papers. However the applicant has not been issued any appointment letter while respondent no.4 was appointed on the said post.

4. A detailed counter affidavit on behalf of the respondents has been filed. In the counter affidavit the factum of the advertisement having been issued has not been disputed. From the averments in para 7 of the counter affidavit it appears that the applicant had been selected as a suitable candidate and was above in merit than the respondent no.4. It has been indicated in the counter that before issuing the appointment letter to the applicant Police Verification was called for. The Police Verification Report in respect of the applicant was adverse inasmuch as it was reported in the said report that the applicant had been imprisoned in jail for three months and a case crime no. 121/78 u/s 147/148,307 and 302 I.P.C was registered against him in police station Maharajpur and as such, the candidature of the petitioner could not be considered against the said post and the respondent no.4 <sup>who</sup> <sup>was</sup> next in merit and fulfilled all the requisite terms and conditions for appointment was given appointment on 16.6.93.

5. In the Rejoinder affidavit it has <sup>not</sup> ~~been~~ disputed that in the criminal case he had been convicted <sup>but</sup> vide order dated 6.6.79, passed by III Addl. Sessions Judge, Kanpur in S.T. Session Trial No.195/78 State Vs. Maha Prasad and Ors. He filed a criminal appeal before the High Court and the same was allowed vide a judgment dated 12.7.93 by the Division Bench of the High Court. The applicant alleges that he had submitted an application dated 30.6.93 to the SSP Kanpur indicating these facts and sought time upto 20.7.93 for filing certified copy of the judgment passed by the

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High Court. In the light of the pleadings submissions have made by the learned counsel for the respondents.

6. The applicant has sought quashing of the order dated 16.6.93 with a further prayer for the relief of a direction to the respondents to treat the applicant as appointed to the post in question and to allow him to take charges of the said post and to remain in service. The consequential relief of arrears of salary etc has also been prayed for.

7. In view of the explanation given <sup>which</sup> in the counter affidavit <sup>is</sup> has not been controverted in the rejoinder, the question that arises for consideration <sup>is</sup> whether the appointment of respondent no.4 by an order dated 16.6.93 calls for interference. The appointment to the post cannot be deferred for a long time. Evidently when the respondent no.4 was appointed the judgment had not been rendered by the High Court. After the appointment letter was issued, the applicant alleges that by a letter dated 30.6.93 addressed to the SSP, Kanpur the applicant had sought time upto 20.7.93 for filing the certified copy of the judgment passed by the Hon'ble High court. <sup>It is</sup> ~~xx~~/Annexure R-2, dated 12.7.93 and copy was issued on 28.9.93. There is nothing on record to show that when the applicant made his representation on 30.6.93, the hearing of the appeal had been concluded, order of judgement was reserved and delivered later on 12.7.93. In the copy of the judgment there is no indication to that effect. The applicant has not filed copy of the representation dated 30.6.93. Since the Police Verification Report had already been received, the official respondents had to act accordingly and if the respondent no.4 who was next in order of merit had been appointed, that

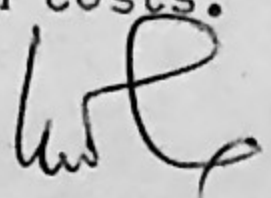
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appointment cannot be faulted.

8. No other point arises. The OA deserves to be dismissed and is accordingly dismissed. Parties to bear their own costs.

  
MEMBER(A)

  
VICE CHAIRMAN

Dated: August 31<sup>st</sup>, 1995

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