

6

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 23RD DAY OF MAY, 2001

Original Application No.137 of 1994

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

Moharram Ali, son of Abdul Shakoor

Town Area, Suriyawan, Ward. No.7

Varanasi.

... Applicant

(By Adv: Shri H.S.Tripathi)

Versus

1. Senior Superintendent of Post Officers
Western Zone, Varanasi.
2. Sub Divisional Inspector(P) Gyanpur
Sub Mandal Varanasi(Appointing Authority)
3. Union of India through the Secretary
(Post & Telegraph) Ministry of
Communication, New Delhi.
4. Chhote Lal son of Matabhik Singh
as claimed by Ashok Kumar Singh
S/o Ram Lakhan Singh. R/o
village & Post office Abhiya
via Suriyawan, district Varanasi.

... Respondents

(By Adv: Shri Amit Sthalekar)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this OA the applicant has prayed that opp.party 1 to 3 may be directed to appoint the applicant Moharram Ali as Extra Departmental Runner in post office Suriyawan, district Varanasi.

The counter affidavit has been filed challenging the claim of the applicant wherein it has been stated that for the post in question four names were

forwarded by the Employment Exchange, Varanasi. They were:

- 1) Moharram Ali
- 2) Chhote Lal
- 3) Mahendra Pratap Singh
- 4) Sabhajit Shukla

Chhote Lal was selected for appointment. One of the candidates namely Sabhajit Shukla challenged the appointment of Chhote Lal on the ground that he did not belong to village Suriyawan and his appointment was illegal. The departmental authorities on complaint of Sabhajit Shukla terminated the services of Chhote Lal by order dated 15.1.1993. Aggrieved by the order he filed OA 104/93 before this Tribunal. The OA was allowed by order dated 28.5.1996. The appointment of Chhote Lal respondent no.4 was found illegal and valid. The court observed in para 6 of the order which reads as under:-

"..... The post office for which the applicant was appointed is admittedly at Abhiya.

Therefore, it is difficult to understand how the village Abhiya did not come within the delivery jurisdiction of the post office.

The applicant admittedly is a resident^u of Abhiya.

We have also seen from the copy of the requisition dated 19.5.1992 annexed to the rejoinder affidavit that it was specified therein that the candidates must be residents of Abhiya or several other adjoining villages including Suriyawan. If this was the residential

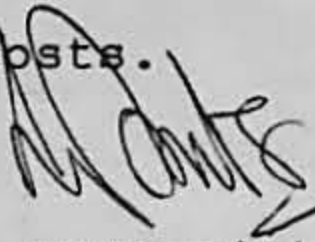
qualification being admittedly a resident of Abhiya, it is not comprehensible how any irregularity was committed by appointing him

(P)

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him on the post of Abhiya, if he was otherwise qualified for the post which fact has not been disputed by the respondents."

In the present OA also the challenge ^{against the appointment} of respondent no.4 Chhote Lal, is on the ground that he did not belong to village Suriyawan. Applicant claims that as he was from village Suriyawan he was entitled for appointment. This issue has already been decided. The same issue has been raised by another candidate for the same selection. We do not find any merit in the same. The application is accordingly dismissed. No order as to costs.


MEMBER (A)


VICE CHAIRMAN

Dated: 23.5.2001

Uv/