

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.

Original Application No.1015 of 1999.

Allahabad this the 15th day of January 2004.

Hon'ble Maj Gen K.K. Srivastava, Member-A.
Hon'ble Mr.A.K. Bhatnagar, Member-J.

Raj Kishore Prasad
Son of Sri Mahabir,
Resident of Village Chetiya,
Tehsil Bansi, District Siddharthnagar.

.....Applicant.

(By Advocate : Sri A.N.Tripathi)

Versus.

1. Union of India
Through Secretary
Ministry of Communication,
Government of India
New Delhi.
2. Post Master General,
U.P. Lucknow.
3. Superintendent of Post Offices,
Basti Division,
District Basti.
4. Sriram
son of Sri Jokhu
Resident of Village Barbara,
Tehsil Bansi, District Siddharthnagar.

....Respondents.

'By Advocate: Sri S.C. Tripathi)

O_R_D_E_R

(By Hon'ble Maj Gen K.K. Srivastava, A.M)

In this O.A. filed under section 19 of
Administrative Tribunals Act 1985, the applicant has
challenged the selection of respondent No.4 i.e.
Sri Sriram by order dated 18-06-1999 (Annexure No.14).
The applicant has prayed that the appointment of the
respondent No.4 dated 18.06.1999 be quashed with
direction to the respondents to consider the candidature
of the applicant for appointing him as Extra Departmental

Branch Post Master, Chetiya, Bansi District Siddharthnagar.

2. The facts, in short, are that notification was issued on 18.02.1999 to fill the post of Branch Post Master, Chetiya, District Siddharthnagar. The grievance of the applicant is that respondent No.4 has been appointed for the said post ignoring the claim of the applicant who is higher in merit than respondent No.4. Aggrieved by the same the applicant has filed this O.A. which has been contested by the respondents by filing the counter affidavit.

3. Heard counsel for the parties, considered their submissions and perused records.

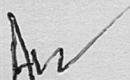
4. The applicant's contention is that he should have been appointed by the respondent No.3 as E.O.B.P.M., Chetiya because he fulfilled all conditions and also that in High School the applicant secured more marks i.e. 57.8% than respondent No.4 who secured only 57% marks. The respondent's counsel, resisting the claim of the applicant, submitted that though the applicant might have secured just 0.8% marks more than respondent No.4 but he could not be appointed as he did not fulfil the conditions prescribed in the notification dated 18.02.1999. as regards condition No.3 which is regarding independent source of income. With reference to the claim and counter claim of the parties, we have perused the notification dated 18.02.1999 (Annexure No.1). As per para 1 of the notification the applications complete in all respect were to be received in the office of respondent No.3 by 4 P.M. of date 18.03.1999. In the same para of the notification it is also mentioned that incomplete applications or the applications received after the cut off date i.e. 18.03.1999 will not be considered. The applicant in para 4.7 of the O.A. has stated that

stated that he filed his income certificate alongwith his application form and in the same para he has also stated that the income certificate dated 07.05.1999 is annexed as Annexure 5 to the O.A. The respondents, in para 19 of their counter affidavit have stated that the last date for submission of application form was 19.03.1999. The applicant submitted income certificate dated 24.02.1999 issued by Revenue Authority. The income certificate dated 24.02.1999 issued by Revenue Authority furnished the income of the father of the applicant which was not to be considered and therefore, the application was incomplete. We find substance in the arguments of the learned counsel for the respondents that since the applicant did not annex the income certificate alongwith his application by the cut off date i.e. 18.03.1999, his application was incomplete and could not be considered.

5. The applicant, on his own showing in para 4.7 of the O.A., has accepted that the income certificate of the applicant is dated 07.05.1999 and therefore, certainly the same would have been submitted either on 07.05.1999 or thereafter.

6. In our considered opinion, the application of the applicant for the post in question was not complete till the expiry of the cut off date i.e. 18.03.1999 and therefore, we do not find that any illegality has been committed by the respondents in selecting the respondent No.4 for the post of E.D.B.P.M Chetiya. There is no good ground calling for any interference in the matter.

7. For the aforesaid reasons, the O.A. is devoid of merit and is accordingly dismissed with no order as to costs.


Member-J.

Manish/-


Member-A.