

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad; Dated this 1st day of August, 2000

Original Application No.1256/1999

District : Azamgarh

CORAM :-

Hon'ble Mr. Justice RRK Trivedi, V.C.

Hon'ble Mr. S. Biswas, A.M.

Udai Pratap Singh son of Sri Abhay Raj Singh,
Abhay Raj Singh,
Resident of Village & Post Aswania,
District Azamgarh.

(Sri R.P. Singh, Advocate)

. Applicants

Versus

1. Union of Indian through the
Director General Posts,
Ministry of Communication,
New Delhi.
2. The Director Postal Services,
Gorakhpur.
3. The Sr. Superintendent of Post
Offices, Azamgarh.
4. S.D.I.(P) Lalganj,
Azamgarh.

(Km. Sadhna Srivastava, Advocate)

. Respondents

ORDER (Oral)-

By Hon'ble Mr. Justice RRK Trivedi, V.C.

This application has been filed under Section 19 of the Administrative Tribunals Act, 1985 seeking a direction against the respondents to give appointment to him on the post of EDBM, Jeuli, Branch Post Office Bardah, district Azamgarh.

2. The facts giving rise to this application, in short, are that one Sri Bhullan Singh was appointed as EDBM, Aswania, district Azamgarh on 7-1-1985. The applicant made a representation against this appointment



of Sri Bhullan Singh, before the Director General Postal Services, who cancelled the appointment of Sri Bhullan Singh, vide order dated 19-7-1985, the order of Director Postal Services was challenged in O.S. No.570/1985 in the Court of Munsif Haveli, Azamgarh, which was transferred ^{to this Tribunal} and was numbered as T.A. No.3 of 1987.

This application was allowed by the order dated 13-5-1991. The order of the Director Postal Services, was set aside and the plaintiff Bhullan Singh was directed to be posted as EDBM Aswania with immediate effect. So far as the applicant is concerned, it was observed that he may be provided alternative appointment, in the manner they considered suitable in accordance with law. It appears that by the order dated 29-5-1992, the applicant was again appointed EDA but it has been stated that the applicant did not turn up to join. The applicant's claim is that he approached the respondents to join the post, but he was not allowed to join. ^{that} Be ^{as} it may, the applicant filed thereafter OA No.1768/1992 and claimed the appointment. However, the application was dismissed by the order dated 11-3-1997. In the order of this Tribunal, there is an observation that, the respondents ~~have knowledge that~~ as and when a vacancy in the post of EDBM arises near to his village, the applicant will be considered for appointment on the said post. The applicant, then made an application that he may be appointed as EDBM in Jeoli, Branch Post Office Bardah district Azamgarh. In para 6 of the counter affidavit it has been stated that though the applicant applied on 20-7-1999 for appointment as EDBM, Jeoli, i.e. after the last date, but his claim was considered and as he was awarded lower merit, he could not be given appointment.



3. We have carefully considered the submission of the learned counsel for the applicant. It has been submitted that the applicant ^{was entitled} ~~sought~~ for outright appointment in view of his earlier selection. However, we do not find any merit in this submission. The selection of the applicant for appointment was subject to the result in O.S. No. 507/1985. ^{As u} ~~his~~ application was allowed by this Tribunal on 13-5-1991 ^{and u} ~~that~~ the selection was disapproved, ^{and} the applicant could not claim any appointment on the basis of the same. The fact that he continued for some time on the basis of that selection could also not give him any right for being posted. So far as the setting aside of the order dated 29-5-1992 is concerned, the applicant filed OA No. 1768/1992 in which his claim was not accepted and the application was dismissed. In these facts and circumstances, the claim of the applicant for appointment as EDBPM, Jeoli ^{could only} ~~be~~ be considered on merit. The respondents have come with the case that the claim of the applicant was considered but he could not be given appointment as on merit he was found at the lowest. In the circumstances we do not find the applicant entitled for any relief.

4. For the reasons stated above, the application is dismissed, with no order as to costs.

S. Dube
Member (A)

[Signature]
Vice Chairman

Dube/