

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

ORIGINAL APPLICATION NUMBER 1386 OF 1999

THURSDAY, THIS THE 21st DAY OF NOVEMBER, 2002

HON'BLE MR. M.P. SINGH, MEMBER (A)
HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)

Manoj Kumar Tiwari,
s/o Shri Adya Prasad Tiwari,
r/o Village & Post-Bardah,
District - Azamgarh

....Applicant

Counsel for the Applicant: Shri S.S. Tripathi

V E R S U S

1. Union of India through
Chief Post Master General
U.P., Lucknow.
2. The Post Master General,
Gorakhpur.
3. The Senior Superintendent
Post Offices, Azamgarh,
Region, Azamgarh.
4. The Deputy Inspector of Post Offices,
Sub Post Office- Lalganj,
District- Azamgarh.
5. Shri Suresh Kumar Yadav,
s/o Shri Kuber Yadav,
r/o Village & Post -Narve,
District - Azamgarh.

...Respondents

Counsel for the Respondents: Ms. Sadhna Srivastava

O R D E R

Hon'ble Mrs. Meera Chhibber, Member (J)

By this O.A., the applicant has sought an order
or direction to the respondents to produce the entire
papers pertaining to the ^{appointment of} respondent No.5 on the post
of EDDA at sub-post office Bardah, District-Azamgarh



including letter dated 18.09.1999 and quash the appointment of respondent No.5. He has also sought a direction to the respondents to consider the appointment of the applicant according to the rule on the post of Extra Departmental Delivery Agent.

2. The grievance of the applicant in short is that the respondents did not advertise the post of EDDA which ought to have been done before filling the post. However, the applicant came to know about it and he also applied for the post and even though the respondent No.5 had not passed the High School as claimed by the applicant and he had procured forged and fictitious marksheet, yet the respondent No.5 was selected for the said post ignoring the claim of the applicant who had genuinely passed the High School and had scored 75.6% marks in the High-School. It is submitted by the counsel for the applicant that he had brought this fact to the knowledge of the authorities by giving a representation but the same has not been decided till date. Thus he has claimed the reliefs as mentioned above,

3. The O.A. is opposed by the respondents who have submitted that for filling the post of EDDA, they had given a requisition to the Employment Exchange and in addition they had also sent a copy of the same to Gram Panchayat and Pasted one copy of the same on the notice Board, which was sufficient notice to all and in any case since the applicant had also applied, he could not have any grievance with regard to not advertising the post in newspaper. As far as the selection of the respondent No.5 is concerned, they have stated and annexed the comparative chart of all the candidates who were considered by them (on page-12 of the CA)

at Annexure CA-2. It is submitted by them that since Shri Suresh Yadav had scored high^{est} marks i.e. 78.4% and fulfilled all the other qualifications, he was selected and given appointment after due verification from the authorities. Thus, according to them, there is no merit in the O.A. and the same is to be dismissed.

4. We have heard both the parties and perused the pleadings as well.

5. Admittedly, the applicant had also applied for the post of EDDA. Therefore, he could not have any grievance that the post was not advertised, because the facts remains that he had participated in the selection and has been duly considered by the authorities as well.

6. On the next contention, the applicant has not annexed any certificate by Sampurnanand University, Varanasi to suggest that respondent No.5 had produced forged and fictitious marksheet. However, we find that he has made a categorical statement in para-14 of the O.A. stating therein that even the certificate which were appended by respondent No.5 was also forged and fictitious and all these facts were highlighted before the higher authorities, but, since they did not redress his grievance, he had no other option but to file this O.A. In the absence of any substantiating documents, ~~even~~ directing the respondent to produce the alleged forged marksheet before us, ^{would be of no use as} we would not sit in judgment to find the correctness or otherwise of the said marksheet because the same can only be done by the authorities concerned. That too, if the applicant is able to satisfy prima-facie atleast that respondent No.5 had indeed not passed

the High-School and the said Marksheet was forged by him. Accordingly we find no merit in the O.A. and the O.A. is accordingly dismissed. However, the liberty is granted to the applicant to make a representation to the authorities concerned by giving some substantiating documents to show what he is saying is correct and in case the respondents, after verification find any truth in the submission made by the applicant. We are sure the higher authority would look into the matter and pass appropriate orders thereon.

7. With the above observations and directions, the O.A. is disposed of with no order as to costs.



MEMBER (J)


MEMBER(A)

shukla/-