

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.104 OF 2000

ALLAHABAD THIS THE 5TH DAY OF OCTOBER,2004

HON'BLE MR. A. K. BHATNAGAR, MEMBER-J

HON'BLE MR. S. C. CHAUBE, MEMBER-A

Arvind Kumar Singh,

son of Sri Satrughan Singh,

resident of village and P.O. Roop Nagar,
Tehsil Ghatampur,
District Kanpur Dehat.

..... .Applicant

(By Advocate Sri K.K. Tripathi)

Versus

1. Union of India,
through Director General (P&T) Department,
New Delhi.
2. Director, Postal Services Kanpur,
Region Kanpur.
3. Superintendent of Post Offices Kanpur (M)
Division Kanpur.
4. Pradeep Kumar, resident of village and
P.O. Kerua, Tehsil Sikandara, District-Kanpur
Dehat.

..... .Respondents

(By Advocate Km. S. Srivastava)



- ORDER -

By this O.A. applicant has prayed for setting aside the appointment made in favour of the respondent no.4 passed by the respondent no.3. He has further prayed for a direction to appoint the applicant as E.D. Branch Post Master at Post Office Roop Nagar, Kanpur Dehat.

2. The brief facts giving rise to this O.A. is that the post of E.D. Branch Post Master was advertised on 20.04.1999 inviting applications of the candidates on the post of E.D. Branch Post Master and it is clearly mentioned that the posts is not reserved for Backward, S.C./S.T. candidates. The applicant alongwith respondent no.4 and 3 other candidates applied for the same. The respondents no.3 appointed the respondent no.4 who is Caste Backward/candidate and has not possessed the required qualification mentioned in the advertisement. Respondents in contravention of have appointed respondent no.4/ the terms and conditions mentioned in the advertisement, Hence he filed this O.A.

3. The learned counsel for the applicant submitted that the post was for general candidate but the respondents have illegally appointed respondent no.4 who is a Backward Caste candidate. Learned counsel for the applicant further submitted that the respondent no.4 is resident of another Tehsil which is at a distance of 60kms. from the place of appointment which is contrary

to the terms given in the advertisement. It is further submitted that there is a litigation going on between the Gram Pradhan and the respondent no.4 regarding the accommodation of Post Office in question.

2. Resisting the claim of the applicant the respondents filed CA which was followed by RA. Learned counsel for the respondents invited our attention on para 4 and submitted that the post was unreserved which was clearly marked in letter dated 20.04.1999. It is specifically mentioned in para 10 of the CA that the proper accommodation is to be furnished by the candidate selected before his appointment. Learned counsel for the respondents invited our attention to para 9 of the CA and submitted that the respondent no.4 has been selected on the post on merits. The respondent no.3 Shri Pradeep Kumar secured 66.33% marks in High School while the applicant Shri Arvind Kumar Singh secured 51.00% marks. Referring to para 12 of the CA it is further submitted that old instructions of permanent residence has been modified vide D.G. Post New Delhi's letter dated 07.01.1994 which is annexed as Annexure CA-4, so the case of the applicant deserves to be dismissed.

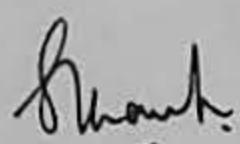
5. We have heard counsel for the parties and perused the records.

6. The points raised by the applicant's counsel

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have already been suitably replied by the respondents in their counter reply. It is clearly mentioned by them in para 9 by giving a chart of the percentage of marks obtained by the candidates which is also not disputed by the applicant. It clearly shows that the applicant obtained 51% of marks in High School and respondent no.4 secured 63.33% of marks. So the respondents rightly gave preference to respondent no.4 in order for the appointment in question, therefore, the applicant has no claim for the said post. We have also perused CA-4 by which the condition of accommodation has been modified.

7. In view of the facts and circumstances and our aforesaid discussions, we find no merit in the case and the same is dismissed being devoid of merit. No costs.



Member-A



Member-J

/ns/