

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Dated: This the 7<sup>th</sup> day of July 2005.

Original Application No. 106 of 2000

Hon'ble Mr. K.B.S. Rajan, Member (J)  
Hon'ble Mr. A.K. Singh, Member (A)

Kumud Singh, W/o Dinesh Singh  
R/o Village and Post Office Umari,  
ALLAHABAD

.....Applicant

By Adv: Sri R.K. Singh

V E R S U S

1. Union of India through Secretary,  
Department of Post,  
Dak Tar Bhawan,  
Parliament Street,  
NEW DELHI.
2. Post Master General,  
ALLAHABAD.
3. Senior Superintendent of Post Offices,  
ALLAHABAD.
4. Sub Divisional Inspector of Post Offices,  
Handia,  
ALLAHABAD.
5. Shri Brama Deo Dwivedi, S/o V. N. Dwevedi,  
Working as EDEPM,  
Branch Post Master, P.O. Umari,  
ALLAHABAD

.....Respondents

By Adv: Sri M.B. Singh

O R D E R

By K.B.S. Rajan, JM

This case was twice dismissed for default and non prosecution and was restored on the applicant's filing necessary restoration application. Now again, the applicant was not represented and the

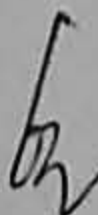
62

case has been considered invoking the provisions of Rule 15(1) of the CAT(P) Rules, 1987.

2. The facts capsule: The applicant was one of the aspirants for the post of EDBPM at Umari (Sahson) District Allahabad for which necessary applications both through employment exchange as well as other mode were called for. Many, including the applicant applied within the stipulated date i.e. 24-03-1999. The applicant, who is an intermediate qualified person with immovable properties in the afore said place was sanguinely hoping to get the appointment whereas the respondents had appointed the private respondent and hence this petition.

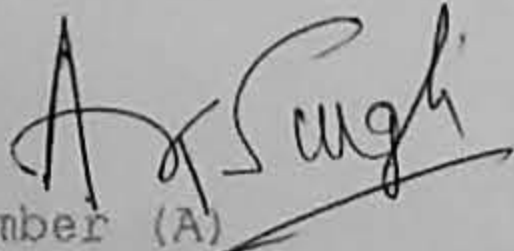
3. The applicant has been contested by the respondents, who have stated that the person selected obtained as many as 55% and he got the highest mark in the High School compared to other aspirants; that there is no extra premium for higher qualification; that the applicant did not have any landed property though her husband had in the said place and in all, since the private respondent had been found more meritorious, he was selected.


4. As stated above, twice the case was dismissed on default.



The case has been considered by perusal of the documents. Law on the subject is clear. Academic qualification plays predominant roll (upto high school level) and the highest scorer in the High School level, if fulfills the other condition of landed property, gets selected. In the instant case, though the applicant is an intermediate, when the rules do not provide for premium for higher qualifications, it is only the marks in the High school level that would decide the fact as to who has the highest marks. Holding property is only secondary. In the instant case, though the respondents have contended that the properties are not in the name of the applicant but in the name of the spouse, the same cannot be considered as not fulfilling the property requirement. However, in so far as the academic qualification is concerned, as submitted by the respondents, it is the private respondent who had secured the highest score and hence, he was rightly selected.

5. Thus, there is no lacuna in the selection of the candidate for the post of BPM at Umari. The OA being devoid of merits, is dismissed. No cost.

  
Member (A)

  
Member (J)

/pc/