

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 21st DAY OF JULY, 2003

Original Application No. 1283 of 2002

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.D.R.TEWARI, MEMBER(A)

Ashutosh Kumar Tripathi,  
Son of Shri Chandraketu Tripathi  
Resident of village and post office  
Dubawal, Pargana Jhunsi, Tehsil  
Phulpur, district Allahabad.

.. Applicant

(By Adv: shri R.K.Saxena)

Versus

1. Union of India, Ministry of Communication, Department of Posts, Government of India, New Delhi through its Secretary.
2. Post Master General, Allahabad Zone, Allahabad.
3. Senior Superintendent of Post Offices, Allahabad Division, Allahabad.
4. Chhote Lal, son of Mata Badal Yadav, Resident of village & Post office Dubawal, pargana Jhunsi, Tehsil Phulpur, district Allahabad.

.. Respondents

(By Advs: Shri R.C.Joshi/D.S.Shukla)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this OA u/s 19 of A.T.Act 1985 applicant has challenged the appointment of respondent no.4 as Extra Departmental Branch Post Master of village Dubawal, pargana Jhunsi, Tehsil Phulpur district Allahabad. The submission of the counsel is that applicant had scored higher marks than respondent no.4 in High school and he was better in merit but the appointment has been refused to applicant on

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the sole ground that he does not belong to village Dubawal. It is submitted by counsel for applicant that ~~applicant~~ is resident of Kakra and Kakra Dubawal are same and one village. We have examined this submission of the counsel for applicant on the basis of the material available on record. The notification dated 15.3.1999 contained the condition about the residence in following words:

"नियुक्ति की शर्त के रूप में यह सूचित किया जाता है कि जिय अध्यर्थी का चयन होगा वह अपने पद पर नियुक्ति से पहले अतिरिक्त विभागीय शाला डाकघर के ग्राम दुबावल में अपना उपर्युक्त आवास बना ले तथा नियुक्ति के बाद वही निवास करना होगा। अध्यर्थी को शाला डाकघर के लिए उपर्युक्त कमरा उपलब्ध कराना होगा।"

In pursuance of the aforesaid notification applicant submitted his application, a copy of which has been filed as (Annexure 2). Applicant has described his residence as village Kakra, post Dubawal <sup>and</sup> which clearly suggests that Kakra <sup>and</sup> Dubawal are different villages. Had it not been so, the applicant could have described himself resident of village and post Kakra Dubawal. Applicant has also filed copies of village revenue record(Annexure 5) which is the record of rights(katauni of village Dubawal Uparhar). Another document <sup>of</sup> record of right is with regard to village Kakra Uparhar. Thus the revenue record also shows that Kakra and ~~Dubawal~~ Dubawal are two different villages. The contention of applicant that Kakra and Dubawal is same and one village does not appear to be correct. In the circumstances, the applicant <sup>is</sup> failed to <sup>satisfy</sup> ~~comply~~ the condition about residence. Appointment was rightly given to respondent no.4 and the order does not suffer from any error of law.

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The OA has no merit and is dismissed accordingly. No order as  
to costs.

  
MEMBER (A)

  
VICE CHAIRMAN

Dated: 21.7.03

Uv/