

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NUMBER 50 OF 2002

ALLAHABAD, THIS THE 18th DAY OF JANUARY, 2005

HON'BLE MR JUSTICE S. R. SINGH, VICE-CHAIRMAN
HON'BLE MR. S. C. CHAUBE, MEMBER (A)

Shri Ajay Singh aged about 35 years
s/o Shri Parashu Ram Singh,
r/o Village-Faridpur Odhan Ka Majara,
District-Kaushambi (Allahabad) U.P.

.....Applicant

(By Advocate : Shri Rakesh Verma)

V E R S U S

1. Union of India through the Secretary,
Ministry of Communication,
New Delhi.
2. The Post Master General, Allahabad.
3. The Senior Superintendent of Post Offices,
Allahabad Division, Allahabad.
4. Shri Adil Faridi, s/o Shri Zanul Abdin Faridi,
Extra Departmental Branch Post Master, Odhan,
Account Office-Tilhapur, Kaushambi (Allahabad) U.P.

.....Respondents

(By Advocate : Shri R. Sharma
Km. Mamta Sharma)

O R D E R

By Hon'ble Mr. Justice S.R. Singh, V.C.

Heard Shri Rakesh Verma counsel for the applicant,
Shri S.N. Mishra holding brief of Shri Rajiv Sharma, Additional
Standing Counsel representing the department and Km. Mamta
Sharma counsel for the private respondent No.4.

2. The post of Extra Departmental Branch Post Master Odhan District-Kaushambi fell vacant due to retirement of permanent incumbent on attaining the age of superannuation. The vacancy was notified vide advertisement dated 14.10.1999 inviting applications from eligible candidates. The applicant and 4th respondent were amongst the candidates who had applied or who were sponsored by the employment exchange for the post. It is not disputed that the applicant secured highest marks (72%) in the high-school examination amongst all the candidates who were under consideration. The 4th respondents had secured 67% marks in the high-school examination. The applicant ^{has been} denied appointment to the post on the ground that on enquiry made by Sub-Divisional Inspector (P) Bharwari, the applicant could not show the place and room for keeping and running the post office. The legal position well settled is that appointment to the post of Extra Departmental Branch Post master is made on the basis of merit to be determined in view of the marks obtained in the matriculation examination or any other equivalent examination. The condition for providing suitable accommodation for running the post office is to be ~~satisfied~~ ^{seen} only after an offer of appointment is to be fulfilled only on or after an appointment being issued in favour of candidate who had secured highest marks in the High-School Examination. It is ~~not~~ only in the event of his failure to provide suitable accommodation that offer is to be made to the candidate next in order of merit.

3. In the instant case, no written offer of appointment was issued in favour of the applicant and no evidence to show that the enquiry conducted by the Sub-Divisional Inspector (P) Bharwari was made in consonance with the

Q379

// 3 //

rules of natural justice. Central Administrative Tribunal Lucknow Bench in the case of Suman Singh Vs. The Chief Post Master General Lucknow and Ors reported in 2002(3)ATJ 124 has held that offer of appointment has to be given to the first candidate who is first in order of merit and has secured the highest percentage of marks in the matriculation examination. The other conditions relating to accommodation and residence etc. are to be satisfied only later on. This procedure has ^{not} been followed in the instant case. Therefore, offer of appointment made in favour of 4th respondents ^{who} had admittedly secured lesser marks than the applicant cannot be sustained.

4. In view of the foregoing conclusion the O.A. succeeds and is allowed. The appointment made in favour of 4th respondents is set aside and the respondents are directed to offer of appointment to the applicant subject to condition that he would provide suitable accommodation ^{and} ~~in~~ place for running the post office within a reasonable period failing which it would be open to the competent authority to offer of appointment to the ~~next~~ candidate next in order of merit. This exercise shall be completed within a period of 4 weeks from the date of receipt of a copy of this order.

5. There shall be no order as to costs.

Shukla
A.M.

Q
V.C.

shukla/-