

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

(THIS THE 4th DAY OF AUGUST, 2009)

PRESENT :

**HON'BLE MR. JUSTICE A.K. YOG, MEMBER-J
HON'BLE MR. S.N. SHUKLA, MEMBER-A**

ORIGINAL APPLICATION NO. 1013 OF 2002

(U/s, 19 Administrative Tribunal Act.1985)

Smt. Suman Singh, a/a 23 years, W/o Sri Vinod Kumar Singh,
R/o Vill. And P.O. Chakra, District Jaunpur

.....Applicant.

By Advocate: Shri R.B. Srivastava

Shri S.P. Singh

Versus

1. Union of India through the Secretary, Department of Posts, Government of India, New Delhi.
2. The Superintendent of Post Offices, Jaunpur Division, Jaunpur.
3. Sri B. N. Ram Superintendent of Post Offices, Jaunpur Through the Chief Post Master General, U.P. Circle, Lucknow.
4. Sri Ajai Vikram, S/o Ram Dular Singh, R/o Vill. & P.O. Chakra, District Jaunpur.

..... Respondents

By Advocate: Shri R.K. Srivastava

O R D E R

(DELIVERED BY: JUSTICE A. K. YOG- MEMBER-JUDICIAL)

1. Heard learned counsel for the parties. Perused the pleadings and the documents on record.



2. Applicant seeks to challenge appointment order dated 11.7.2002 whereby respondent no.4/Ajai Vikram Singh working as EDBPM, Post Office Chakra, District-Jaunpur. There is no dispute that notification was issued inviting applications for the said post. Its initial date was 3.5.2002. According to the applicant it was extended to 6.5.2002. In support of his contention he has filed copy of notification dated 22.4.2002/Annexur A-4. There is no dispute that proper undertaking certificate was submitted by the applicant on 6.5.2002.

3. According to the respondents the date was never extended and the certificate submitted was beyond the prescribed period of submission of applications, more so candidature of the applicant was ignored. Official respondents have filed counter affidavit; copies of the notification/advertisement dated 4.4.2002 has been filed as Annexure CA 1 and 2. Perusal of Annexure CA-2 would show that copy of notification dated 4.4.2002 was referred to Employment Officer, Jaunpur requiring list of eligible candidates to be forwarded on or before 30.5.2002. It is clear that employment exchange was required to submit name of the candidates on or before 30.5.2002 and thereafter those candidates were required to submit requisite form/certificate thereafter.

4. Perusal of notification dated 22.4.2002, Annexure A-4/compilation-II to the OA shows that SSPO has sent letter addressed to one candidate Dhananjay Kumar requiring him to submit application on or before 6.5.2002. This shows that applications given even after 3.5.2002, were entertained.

lw.

5. Para 4(d) of the OA reads:-

d/. That later on the last date of submission of the application was extended and was fixed to be 6.5.2002, and as such the application should have been submitted on or before 6.5.2002.

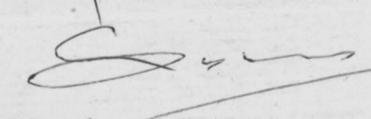
6. Interestingly, afore quoted para 4(d) had been at all replied vide para 12 of the counter affidavit which reads:-

12. That the contents of paragraphs no. 4 (d) of the original application are wrong hence denied. The date of submission of application was never extended.

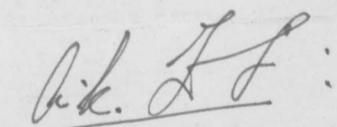
7. Perusal of afore quoted para shows that denial, without referring to the documents filed by the applicant along with OA has been ignored.

8. In view of the above, appointment of respondent no.4 vide impugned order dated 11.7.2002/Annexure-1 is accordingly quashed and set aside with direction to the respondents to initiate fresh process of selection of EDBPM in accordance with law.

9. OA allowed. No Costs.



Member-A



Member-J

/ns/