

Open Court

**Central Administrative Tribunal
Allahabad Bench, Allahabad**

Original Application No. 194 of 2003

Wednesday, this the 07th day of October, 2009

Hon'ble Mr. Ashok S. Karamadi, Member (J)
Hon'ble Mr. S.N. Shukla, Member (A)

Lal Bahadur son of Sri Agnu Ram Pal, resident of Village Mahogarhi, Post Dramundganj, District Mirzapur.

Applicant

By Advocate: Sri B.D. Shukla

Vs.

1. Union of India through the Secretary, Ministry of Communication, Govt. of India, New Delhi.
2. The Post Master General, Allahabad Region, Allahabad.
3. The Superintendent, Post Offices, Mirzapur Division, Mirzapur.
4. Sri Sushil Kumar Mishra, alias Pankaj Kumar, son of Late Shyam Narain Mishra, at present posted on the post of Extra Departmental Branch Post Master, Branch Post Office Dramundganj (Lalganj), District Mirzapur.

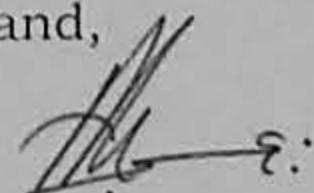
Respondents

By Advocates: Sri P.D. Tripathi (for official respondents)
Sri I.C. Pandey (for respondent No. 4)

O R D E R

By Hon'ble Mr. Ashok S. Karamadi, Member (J)

The applicant has challenged the selection of respondent No. 4 in the present O.A. on the ground that the case of the applicant was not considered by the respondents in a proper and prospective manner having regard to the fact that the respondent No. 4 is not fulfilling the requirement i.e. the respondent No. 4 has no residential house in the place where the post is notified and,



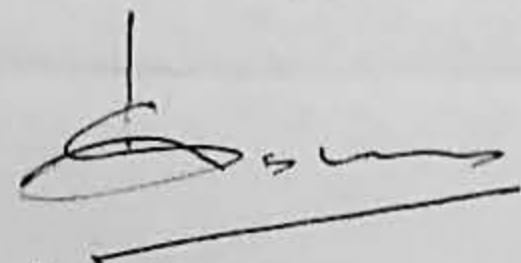
therefore, sought for quashing of the order of selection made in favour of respondent No. 4, and also seeking direction to the respondents to appoint the applicant.

2. On notice, the respondents have filed the Counter Affidavit and contended that the selection process was done in a proper and fair manner, and the case of the applicant was also considered for appointment. It is stated by the respondents that there were 29 applications for the post, and out of 29 applications only 8 applications were found fulfilling all the requirements. Details are given in para-7 of the Counter Affidavit, in which it is stated that the applicant's name finds place at serial No. 5, and the respondent No. 4 finds place at serial No. 7, the marks obtained by the applicant is 45% in the High School whereas respondent No. 4 secured 66.6%, therefore, respondents contended that the selection made in respect of respondent No. 4 is on merits and over all consideration of the requirements on the post and, as such, sought for dismissal of the O.A.

3. On perusal of the pleadings, and contentions made by the applicant and respondents, we are of the considered view that the respondents have considered the candidature of the applicant in just and proper manner, which is required under the Rules. That being so, as the applicant has secured only 45% marks in the High School whereas the respondent No. 4 secured 66.6% marks, in that way, applicant is not eligible for appointment. Accordingly, we do not find any error in the selection procedure adopted by the respondents.

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4. In view of the above discussions, we find no merit in the O.A., which is accordingly dismissed. No order as to costs.



[S.N. Shukla]
Member 'A'



[Ashok S. Karamadi]
Member 'J'

/M.M/