

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 13th day of Apr 2011

Original Application No. 202 of 2006

Hon'ble Mr. S.N. Shukla, Member (A)
Hon'ble Mr. Sanjeev Kaushik, Member (J)

Prem Shanker Singh, S/o Shri Janardhan Singh, R/p Village and Post Dadawal Meh Nagar, Tehsil Lalganj, District Azamgarh.

...Applicant

By Adv : Sri S.K. Singh

V E R S U S

1. Union of India through the Secretary, Ministry of Communication, Department of Post, Dak Bhawan, Government of India, New Delhi.
2. Chief Post Master General, U.P. Circle, Lucknow.
3. Senior Superintendent of Post Offices, Azamgarh Division, Azamgarh.
4. Sub Post Master Mehnajpur, District Azamgarh.
5. Jaspal Singh, S/o Radhey Shyam, R/o Khajuri, Tehsil Mehnajpur, District Azamgarh.

...Respondents

By Adv: Shri A.K. Tripathi and Sri U. Nath

O R D E R

Delivered by Hon'ble Mr. S.N. Shukla, Member (A)

This OA is being disposed of in exercise of authority vested under Rule 15 of CAT (Procedure) Rules, 1087. Records shows that the learned counsel for the applicant has repeatedly absented himself on one ground or other including ground of illness. On 25.03.2011 when the case was called out learned counsel for the applicant is not present. Sri A.K. Tripathi learned counsel for the official respondents and Sri U. Nath learned counsel for private respondent are present.

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2. Briefly stated the facts of the case are that one Radha Krishna took the charge of EDBPM Dandwal (Mehnajpur) on account of suspension of the then incumbent Sri Narendra Singh. Sri Radha Krishna retired in the year 2001. In place of Sri Radha Krishna the applicant was appointed as EDBPM on adhoc basis on 24.04.1987. Subsequently, suspension of Sri Narendra Kumar was revoked and he was recalled on 16.02.1988. It is claimed that from the starting February 1988 till 19996 the applicant has been working as Peon without pay.

3. On retirement of Radha Krishna on 09.01.2001 a notification was issued (Annexure A -3). The applicant also applied alongwith private respondent No. 5. It is claimed that the applicant's qualification was High School, whereas respondent No. 5 was holding the certificate of Purva Madhyama and hence he was wrongly appointed in preference to the applicant who, it is claimed, had better qualification. The representation was made which was not considered and accordingly the applicant filed OA No. 1322/02 which was disposed of by this Tribunal on 03.02.3004 with direction to the respondents to pass reasoned and speaking order. As directed the representation was filed which was disposed of on 14.03.2005 in an arbitrary manner only after contempt petition was filed.

4. In the counter affidavit it has been submitted that in response to the notification 16 applications were received. Amongst them Sri Yashpal Singh (Private respondent No. 5) secured 78% marks in Purva Madhyama and he was found suitable. The applicant on the other hand secured only 63.2%

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marks in High School and he was placed at 7th position in the merit list. One of the allegations of the applicant against private respondent No. 5 was regarding the genuineness of the marks sheets submitted by respondent No. 5 and some discrepancy in the date of birth. These facts have been recorded in para 4 and 5 of this Tribunal's order dated 03.02.2004 in OA No. 1322/02.

5. In the impugned order dated 14.03.2005 (Annexure A-1) the competent authority has dealt with the discrepancy in the alleged date of birth of private respondent No. 5 as also his qualification. On careful perusal and consideration of the reasons recorded in the impugned order and in absence of any effective rebuttal having been brought on record, we do not find any infirmity in the impugned order. Accordingly, the OA stands dismissed. No cost.

Slam!
Member (J)

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S. S. S.
Member (A)