

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR

Date of order : 17.11.1998

O.A. No. 167/98

Jagdish Ram son of Shri Rameshwar Lal aged about 25 years, resident of village and P.O. Jijoth via Kukanwali, Distt. Nagaur, at present employed on the post of EDBPM at Jijoth Distt. Nagaur.

... Applicant.

v e r s u s

1. Union of India through Secretary to the Government of India, Ministry of Communication, Department of Post, Sanchar Bhawan, New Delhi.
2. Superintendent of Post Offices, Nagaur Division, Nagaur.
3. Sub Divisional Inspector (Post), Makrana Sub-Division, Makrana, Distt. Nagaur.
4. Shri Radhey Shyam Mali son of Shri Kalu Ram Mali, Vill. & P.O. Gadawa via Kukanwali Distt. Nagaur.

... Respondents.

Mr. J.K. Kaushik, Counsel for the applicant.

Mr. Vinit Mathur, Counsel for the respondents Nos. 1 to 3.

Mr. Kamal Dave, Counsel for the respondent No. 4.

CORAM:

Hon'ble Mr. Gopal Krishna, Vice Chairman.

Hon'ble Mr. Gopal Singh, Administrative Member.

O R D E R

(Per Hon'ble Mr. Gopal Krishna)

Applicant, Jagdish Ram, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, challenging the termination of his services on the post of EDBPM and assailing the appointment thereto of respondent No.4.

2. We have heard the learned counsel for the parties and have carefully perused the records. The parties' counsel have agreed to this matter being disposed of at the stage of admission.

3. Applicant's case is that he was appointed as EDBPM in village Jijoth on 25.7.1997 vide Annexure A/2 dated 12.10.98 on provisional basis and the aforesaid provisional appointment was liable to be terminated after a regular appointment was made. The applicant unquestionably belongs to village Jijoth and his father has immovable property in that village. The applicant's contention is that during the course of selection, he should have been given preference as he has been working as EDBPM on adhoc basis ever since 25.7.1997. It has been stated by the official respondents in the reply that the post of EDBPM is to be filled in on the basis of the marks obtained in Matriculation or equivalent examination. In the present case, the marks obtained by the respondent No. 4 are more than that obtained by the applicant. It has further been stated that the case of the respondent No. 4 stood on more sound footing than that of the applicant. The contention of the applicant that the appointment of the respondent No. 4 is not valid as he is not a resident of Village Jijoth, is not tenable in view of the communication No. A/1-8/Rlg/III dated 17.1.1994. The communication dated 17.1.94 produced before us by the respondent No. 4, has been taken on the record of the case. We do not find any infirmity in the action of the respondents in terminating the services of the applicant.

4. In the result, the present application is dismissed with no order as to costs.

Gopal Singh
(Gopal Singh)
Adm. Member

Gopal Krishna
(Gopal Krishna)
Vice Chairman

cvr.