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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH : JODHPUR

Date of Decision : 24.07.03

Original Application No. 245/2002.

Mahaveer Prasad S/o Shri Surja Ram Mehra, by caste Meghwal, aged 25 years, resident of Village Burdi, Tehsil Jayal, District Nagaur.

... APPLICANT.

v e r s u s

1. The Union of India through the Secretary, Govt. of India, Ministry of Communication Department, Post Dak Bhawan, Sanshad Marg, New Delhi.
2. The Post Master General, Post & Telegraph Department, Jaipur.
3. The Superintendent of Post Office, Nagaur.
4. Shri Baxa Ram S/o Jai Ram, by caste Meghwal, resident of Chutisara, District Nagaur.

Mr. P. S. Rathore counsel for the applicant.  
Mr. Kuldeep Mathur counsel for respondent No. 1 to 3.  
Mr. S. K. Malik counsel for respondent No.4.

CORAM

Hon'ble Mr. Justice G. L. Gupta, Vice Chairman.  
Hon'ble Mr. R. K. Upadhyaya, Administrative Member.

O R D E R

(per Hon'ble Mr. Justice G. L. Gupta)

Respondent No.3 had issued notification on 31.05.2002 (Annexure A-1) inviting applications for the post of Gramin Dak Sevak B.P.M. Burdi in the pay scale of Rs.1280-1960. The post was reserved for the candidates belonging to Scheduled Caste Community. The applicant and Respondent No.4 applied for the said post alongwith the other candidates. After the scrutiny of the applications, Respondent No.4 was appointed on the post.

2. The grievance of the applicant is that Respondent No.4 does



not belong to Village Burdi whereas he belongs to Village Burdi and he had preferential right of appointment on the post of Gramin Dak Sevak B.P.M. Burdi (Deh).

3. In the counter, the official respondents state that Respondent No.4 was found more meritorious in comparison to the applicant and that he had filed a certificate issued by the Pradhan of Village Burdi that he was the resident of Village Burdi and, therefore, he was given appointment.

4. Private Respondent No.4 in his separate reply has also taken the same stand.

5. We have heard the learned counsel for the parties and perused the documents placed on record.

6. It is seen that in the Secondary Examination private Respondent No.4 got 227 marks and was placed in 3rd division. The applicant on the other hand, got 215 marks in the Secondary Examination and was also placed in the 3rd division but a note was recorded that he passed the examination by grace.

6.1 It is manifest that so far as the merit is concerned, Respondent No.4 stood at higher footing and he had a right of appointment in preference to the applicant.

7. As to the condition in the notification that the candidate for appointment must belong to Village Burdi, it may be stated that the Respondent No.4 had filed a certificate (Annexure R-4/1), issued by Pradhan, Panchayat Samiti, Jayal (Nagaur), in which it was stated that Shri Baksha Ram Mehra S/o Shri Surja Ram Mehra resided in Village Burdi. It is clear that when the Competent Authority scrutinised the applications, it had the certificate of Baksha Ram issued by the Pradhan of the Panchayat Samiti that he



*[Handwritten signature]*

resided in Village Burdi. The Appointing Authority, therefore, cannot be said to have faulted when the appointment was given to Respondent No.4.

8. The contention of the learned counsel for the applicant was that a false certificate was given by the private respondent regarding his residence and villagers of village Burdi have made a detailed representation stating that Respondent No.4 never resided in village Burdi. It may be that the villagers of Burdi have protested the appointment of Respondent No.4 but this Court cannot be justified in deciding the matter on the basis of the representation of the villagers. It is for the official respondents to investigate the matter and if it is found that the private respondent No.4 had submitted false certificate, appropriate action may be taken against him.

9. It is significant to point out that vide Communication No. 17-104/93-ED&TRG dt. 6.12.93, it has been communicated to the Appointing Authorities that the Board has decided that while making selections for appointment to ED posts, permanent residence in the village or delivery jurisdiction of the ED Post Office need not be insisted upon as a pre-condition for appointment and the candidate who is selected may take up his residence in the Village/delivery jurisdiction after his appointment.

10. For the reasons stated above, we find no merit in the instant OA. It is hereby dismissed. No order as to costs.



(R. K. UPADHYAYA)  
MEMBER (A)



(G. L. GUPTA)  
VICE CHAIRMAN

A/C  
Sgt. Kumar  
25/7/63  
Ror - Kandeep Mathur  
HLL

info  
(circled)  
2/8

Copy received  
Rothel  
2/7/72

Part II and III destroyed  
in my presence on 24.3.09  
under the supervision of  
section officer as per  
order dated 13/2/09

Section officer (Record)