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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR**

Original Application No. 312/2005

Date of decision: 07.09.2006

Hon'ble Mr. Kuldip Singh, Vice Chairman

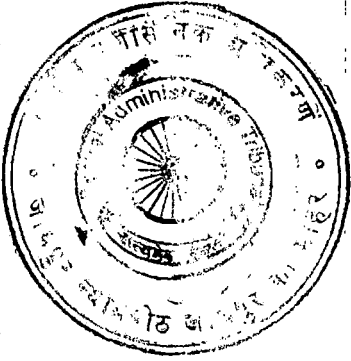
Hon'ble Mr. J P Shukla, Administrative Member.

Kushal Singh Chauhan, s/o Shri Chagan Singh by caste Rawna Rajput, aged 30 years r/o Village Post Nagar Nawa, Via Guda Malani, Distt.Barmer

: Applicant.

Rep. By Mr.Salil Trivedi : Counsel for the applicant.

VERSUS



1. Union of India through the Secretary, Ministry of Communication, Department of Posts and telegraph, Dak Bhawan, New Delhi.
2. Superintendent of Post Offices, Head Post Office, Barmer.
3. The Inspector, Sub Division Post Office Nagar Nawa, Distt. Barmer.
4. Parasmal S/o Shri Ramdev by caste Prajapat, R/o Gram Seva Sehakari Samiti, Nagar Nawa, Tehsil Gudamalani, Distt. Barmer.

: Respondents.

Rep. By Mr. Mahendra Godhra proxy
Counsel for Mr. Vinit Mathur

: Counsel for the
respondents 1 to 3.

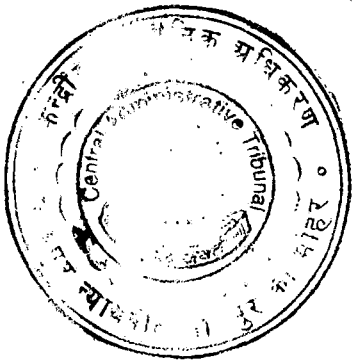
None present for respondent no. 4.

ORDER

Mr. Kuldip Singh, Vice Chairman.

The applicant has filed this O.A challenging the appointment respondent No. 4 as EDBPM Nawa Nagar and prays for cancellation of the same.

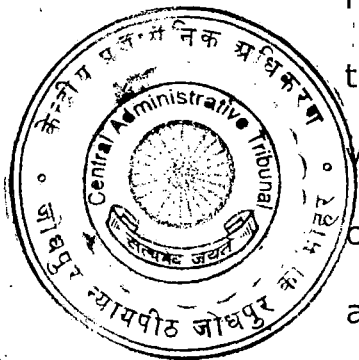
2. The applicant claims that he is the resident of Nagar Nawa, via Gudamalani, District Barmer and is owning immovable property in the same village and he has also having adequate means of livelihood apart from having ownership of the property in the village. He has also passed 10th Standard, as per Secondary School Examination certificate of 1992 (Annex. A/1), issued by the Board of Secondary Education Rajasthan. The respondents issued a notification dated 03.08.2005 for filling up the post of EDBPM Nagar Nawa. In response to the said notification the applicant has submitted an application. Respondent No. 4, Shri Parasmal has also applied for the said post. According to the applicant respondent No. 4 does not possess any property in the village in question and thus he lacks qualification for appointment to the post of EDBPM and as such his appointment should be cancelled:




3. The respondents are contesting the O.A by filing a reply. They submitted that in order to fill up the post of EDBPM Nawa Nagar, through regularly selected candidate a notification was issued on 03.08.2005. A request was also sent to the concerned employment exchange for sponsoring eligible candidates. In response to the same a total number of 9 applications were received. The respondents have prepared a comparative chart in respect of all the candidates. Since respondent No. 4 was having highest percentage of marks i.e. 70.5% mark in the secondary school examination, he was selected. The candidature of the applicant had been considered in accordance

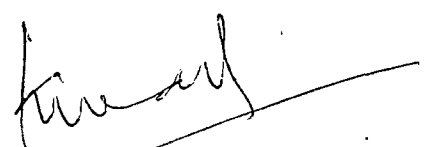
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with the rules and the applicant having only 34.91 marks in the secondary school examination he could not be appointed. As regards the owning of landed property and the fulfillment of residence condition, these are secondary things, which are to be fulfilled later on. It is further contended that the condition of owning property is also done away with vide Annex. R.1 dated 17.09.2003. Thus it is stated that the applicant has no case for appointment.



4. We have heard the rival contentions and perused the records. The only ground on which the applicant is challenging the appointment of R.4 is that R.4 has no landed property in the village. A perusal of Annex. R/1 shows that the preferential condition of income derived from landed property or immovable asset has come for judicial scrutiny before various Benches of this Tribunal and Hon'ble High Courts situated in various states. The matter was placed before the Postal Services Board. The Postal Services Board keeping in view all the relevant considerations and after careful deliberation, decided that the conditions of income preferably derived from landed property stands deleted. Hence the action of the respondents in selecting respondent No. 4 for the post of EDBPM, Nawa Nagar cannot be faulted. Accordingly, we find no merit in this application and it stands dismissed. No costs.


(J P Shkula)
Administrative Member

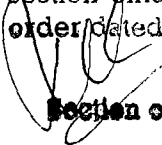

(Kuldip Singh)
Vice chairman

12/8/14

~~Rec'd~~
~~12/8/14~~

11/9

Part II and III destroyed
in my presence on 11/4/14
under the supervision of
section officer () as per
order dated 3/1/14



Section officer (Record)