

(A 8)

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

Original Application No. 397 of 1990

Ram Lal

..... Applicants.

Versus

Union of India & ors. Respondents.

Hon'ble Mr. Justice U.C.Srivastava, V.C.

Hon'ble Mr. K.Obayya, Member

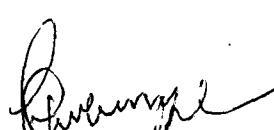
(By Hon'ble Mr. Justice U.C.Srivastava, V.C.)

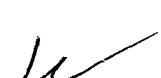
In the Counter Affidavit the respondents have stated that Suhetra ED Post Office was opened on 15.4.1989 under administrative sanction received under Director of Postal Services, Lucknow vide order dated 6.4.1989. The appointing authority of EDBPM is the Supdt of Post Offices and that of the EDMC/EDDA is the Sub Divisional Inspector of Post Offices. The nomination for the post of EDBPM were called for from the employment exchange Sitapur vide letter dated 27.4.1989 and the 3 nominations including that of the applicant were received for this post from employment exchange vide letter No. Rikth/ Dhawak/89/3333 on 25.5.1989. One Laxminarain nominee of employment exchange was considered most suitable for the post of EDBPM and accordingly he was appointed as such vide order dated 8.9.1989 by the SPOs and amongst the nominees for the post of EDMC/EDDA one Shri Mohd. Fairdi (Respondent No. 6) was adjudged the most suitable by the appointing authority (SDI) out of local candidates and was appointed as such vide order dated 12.7.1989. On consideration of representation of the applicant against not selected as EDMC/EDDA

by the SDI, instructions were issued by the SPOs vide letter N. H-175/E dated 9.3.1990/18.4.90 for terminating the appointment of respondent no. 6 and on further examination of the case following receipt of a complaint on 23.4.1990 it came to notice that the service of Shri Mohd. Faridi had been ordered to be terminated without offering him opportunity to show cause. Hence the implementation of orders dated 9.3.1990/18.4.1990 was ordered to be held in abeyance and accordingly the SDI was directed not to implement these orders vide letter dated 25.4.1990 and the case was referred to the Director of Postal Services Lucknow for further directions in the matter who held the appointment of Sri Mohd. Daridi to be in order and did not find any justification for any action to dispense with the services of the said Sri Mohd. Fairdi. In reply to the contents of para 4(V) of the application it is submitted that in the departmental enquiry by the SDI it was found that the applicant is not a permanent resident of village Suhetara and is original resident of Village Jainapur. The respondent Fairdi has also put in appearance and he has also stated the same. The applicant was a fully qualified and a better candidate than the respondent no. 6. The respondent no. 6 is only a junior High school passed candidate while the applicant is not only High School but ~~has~~ also passed Intermediate examination of Allahabad Board. The ~~SDI~~ was thus, prejudiced in not considering his candidature for the post of EDDA/EDMC, to which he was a better candidate and respondent no. 6 was appointed ~~malafide~~ and with ulterior motive by

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documentary affidavits before the Superintendent of police who can make an enquiry regarding the ordinary residences of both these persons from the respective police stations also. And in case, the Superintendent of police reports after considering the evidence that the applicant is not a resident of village Suhettra, then the appointment of respondent No. 6 shall be stand.


Member-A


Vice-Chairman

Lucknow Dated: 23.2.93

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