

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL,  
LUCKNOW BENCH,  
LUCKNOW.

O.A.No. 359/91

Date of decision 26/8/94

G.C. Srivastava                    :::::::::: Applicant  
(By Shri J.N. Srivastava        Vs.  
Counsel)

Union of India &  
Others                                :::::::::: Respondents  
  
(By Shri A.K.  
Chaturvedi,  
Counsel)

HON'BLE MR. JUSTICE B.C. SAKSENA, VICE-CHAIRMAN.  
HON'BLE MR. K. MUTHUKUMAR, MEMBER (ADMN.)

---

J U D G M E N T.

(By Hon.Mr.K. Muthukumar, A.M.)

Shri G.C. Srivastava, the applicant in this petition, was one of the 4 applicants for the post of Extra Departmental Branch Post Master, Kook Nagar Grunt Branch. The particulars of the applicants were scrutinised for verification of property and income as also regarding the character and antecedents, as required under the Rules. One of the other applicants was Shri Badri Singh and he was appointed. In this application the applicant has alleged that although in respect the initial verification report/of the applicant was satisfactory, the Superintendent of Post Offices delayed the appointment and acted on the complaint received from the Villagers and Grampradhan about his intemperate and quarrelsome habits and did not select him for appointment. His representations to the Chief Post Master General, Director of Postal Services and other higher authorities did not ~~have~~

bring any result and on the basis of the subsequent representation to the Chief P.M.G., the applicant was asked to indicate his option for the post of Extra-Departmental Mail Peon. As there was no response from him the matter was considered by Dak. adalat and <sup>treated</sup> as closed. The Chief P.M.G. had also informed him that necessary action had already been taken on his application. Aggrieved by this order the applicant has approached this Tribunal for quashing the appointment of Shri Bhadri Singh, who was also got impleaded in this application as respondent No.5, and for issuing suitable directions for appointment of the applicant in the post of E.D.B.P.M.

2. We have heard the learned counsel for the applicant who argued the following points in favour of the applicant:-

- (1) The initial verification report regarding applicant was satisfactory.
- (2) The applicant had a higher merit as evidenced by High School Mark-sheet as compared to Shri Bhadri Singh.
- (3) The Superintendent of Post Offices had delayed the appointment of the applicant in a malafide manner and acted upon the complaint against him, which was baseless.
- (4) The fact that the applicant was asked to indicate his option for consideration for the post of Extra Departmental Mail Peon itself was indicative of his suitability and the rejection of his appointment for the post of E.D.B.P.M. on the ground of <sup>against</sup> complaints ~~him~~ and the appointment of Shri Bhadri Singh are illegal and irregular and deserve to be quashed.

3. The learned counsel for the respondents resisted the above arguments of the learned counsel for the applicant and asserted that the applicant was not entitled for the appointment to the post of Extra-Departmental Branch Post Master, as the verification report in regard to his income and property indicated that he had no agricultural land and the enquiry was made in this behalf by the Sub-Divisional Inspector, Basti West. The enquiry revealed that the applicant had only entered into agreement of purchase of land of 2.5 Bighas land, but it had not ~~been~~ materialised. There is nothing with the Revenue Authorities also to prove that the applicant has any agricultural land. On the other hand Shri Bhadri Singh owns 5 Bighas of land and had necessary cultivation. Therefore, he was rightly appointed as E.D.B.P.M. on which <sup>post</sup> he is working right from 24-11-89.

4. The learned counsel for the respondents also argued that the applicant could not satisfy the respondents with solvency of the applicant. The applicant has ~~not~~ not controverted the actual position regarding the absence of land and also on the basis of detailed enquiry report submitted by Sub-Divisional Inspector, his candidature could not be considered. However, as he had academic merit, as a lenient measure he was offered the post of Extra Departmental Mail Peon, but he did not accept that post and the Postal Authorities had treated the matter as closed. The learned counsel for the respondents also argued that no malafide has been established against the Superintendent of Post Offices. The contention

that the Superintendent of Post Offices had not issued appointment order immediately on receipt of the original verification report and he had acted on the complaint received against the applicant from the villagers and on the basis of the subsequent representation only he had acted, was not tenable. It was the duty of the authority to take due note of the complaint and make verification. This was done accordingly and also there are no grounds to question the action taken by the departmental authority in this regard.

5. We have heard the counsel for the parties and also perused the records. From the averments made in the application and in the C.A. and the arguments of the learned counsel for the parties, the fact remains that the verification report in regard to the solvency of the applicant was not satisfactory inasmuch as he had no agricultural land and no regular source of income. The genuineness of this verification report had not been controverted by the learned counsel for the applicant. The department had made verification even from the Revenue department and the applicant did not satisfy the solvency requirements. Therefore, it would not be appropriate for the applicant in making the contention that he had a higher claim for appointment. The allegation that the Superintendent of Post Offices had engineered the complaints, and, that he should have issued appointment on the basis of the first verification report is not tenable. His contention regarding the solvency is also not acceptable. The applicant took shelter under the initial verification which was subsequently found to be insufficient and incomplete on the basis of the detailed

verification made by the Sub-Divisional Inspector on the orders of the Superintendent of the Post Offices, on the basis of complaint made against the applicant. The responsibility of the departmental officers to satisfy the genuineness of solvency requirements, character and antecedents of the applicants cannot be over-emphasised as the job-requirements involve transaction of the Government funds and such responsibility of the Government officers cannot be diluted.

6. On the basis of the above discussions we find no merit in the O.A. and we accordingly dismiss it with no order as to cost.

  
MEMBER (A)

  
VICE-CHAIRMAN.

Dated: 26/8/94, Lucknow.

(nair)