

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH

Original Application No. 177 of 1992.

this the day of 1st, December, 1995.

HON'BLE MR JUSTICE B.C. SAKSENA, VICE CHAIRMAN  
HON'BLE MR V.K. SETH, MEMBER ADMINISTRATIVE

Surya Nath Misra s/o Ram Dularoy Misra,  
resident of Ram Nagar, Post Waldi Rai,  
Distt. Sultanpur.

... Applicant.

By Advocate:- None.

Versus.

Union of India, through Secretary,  
Department of Communications,  
New Delhi.  
2. Sub-Divisional Inspector (Postal),  
North, Sultanpur.  
3. Post Master General, U.P., Lucknow.  
4. Ram Tirath s/o Panna Lal, r/o village,  
Niduree, Post Bazar Waldi Rai,  
Distt. Sultanpur.

... Respondents.

By Advocate:- Sri.D.S. Randhawa.

ORDER (Oral)

By Hon'ble Mr. Justice B.C. Saksema, V.C.

When the case was called out none responded on behalf of the applicant. One Sri. S.P. Shukla claiming him self brother-in-law of the applicant shought adjournment. The learned counsel for respondents has been heard, since we find in the order sheet that on several dates adjournment has been granted to the applicant of his counsel.

2. Through this O.A. the applicant challenges the order of appointment dated 28.12.1991 by which respondent no. 4 has been appointed as E.D.D.A.,

3. We have gone through the pleadings. The main plea taken by the applicant is that the respondent no. 4 is the resident of village Nidure and since the requisition sent to the Employment Exchange, the said village dose not figure as being near to post Baldi Rai where the E.D.D.A. was to work and as such the respondent no. 4 dose not fulfill the residential qualification. On this accept of the matter and in the C.A. filed on behalf of the respondents no. 1,2 and 3 it has been indicated that in the requisitions sent name of certain near by villages to village Baldi Rai has been indicated

but said list is not exhausted. It has also been averred that village Nidurea is only 3 K.M. from village Baldi Rai and infact a Mazra of village Baldi Rai(Bihi Nidura), as such the respondent no.4 fulfilled the residential qualification as laid down in Director General P & T No. 43-84/80 Pen dated 30.1.1981 a photocopy of which is filed as Annexure-C-4.

4. The other ground taken by the applicant to challenge the appointment of the respondent no. 4 is that in the list submitted by the Employment Exchange the name of the applicant ~~is towards~~ at Sl.No.1 while the name of respondent no. 4 ~~is towards~~ at Sl.No. 4.

5. The respondents counsel has indicated that the list sent by the Employment Exchange is not drawn up in the order of merit of the candidates, the merit evaluated consequently applying the relevant criteria and the respondent no. 4 has been found to be most meritorious.

6. It has also been indicated that the person whose name<sup>is</sup> was indicated as Sl.No.2 in the list sent by the Employment Exchange, before the appointment could be finalised taken appointment

BxL

elsewhere and therefore his candidature was not considered. The applicant according to the comparative chart Annexure-2 to the counter had obtained 259 marks and passed High School IIIrd, Division (with grace) while respondents no. 4 has obtained 288 marks and had passed High School IIInd, Division.

7. In the Counter-Affidavit it has also been indicated that respondent no. 4 besides the above critaria was preferred since he belonged to back-ward class <sup>which</sup> ~~that~~ also is a relevant critaria in the circular dated 15.1.1979. This Tribunal has not to asses the relative merits of the condidates.

8. We are satisfied that relevant critaria have been taken note of while appointing respondent no. 4 and that no interference is called upon.

The O.A. is accordingly dismissed.

Parties shall bear their own costs.

*✓ ✓*  
MEMBER (A)

*B.S. Chhaya*  
VICE CHAIRMAN

Lucknow.  
A.K.