

CENTRAL ADMINISTRATIVE TRIBUNA LUCKNOW BENCH LUCKNOW

Original Application No. 98/2008

Lucknow this, the <sup>4<sup>th</sup></sup> day of June, 2008

HON'BLE MR. SHANKAR PRASAD MEMBER (A)  
HON'BLE MR. M. KANTHAIAH, MEMBER (J)

Krishna Mohan Yadav,  
Aged about 36 years,  
Son of Madhav Raj Yadav,  
Resident of Village Parwani Purwa, H/O Suhelwa,  
Post officer- Payagpur, Distt. Bahraich.

Applicant.

By Advocate: Sri R.K. Dixit.

Versus

1. Union of India through its Secretary  
Postal and Teli Communication Department  
New Delhi.
2. Chief Post Master General Uttar Pradesh  
Parimandal, Lucknow.
3. Superintendent of Post Officers  
Bahraich Division, Bahraich.
4. Ibrahim, son of Mubarak Ali,  
Resident of Village Parwani Purwa (Shivpur Bairagi)  
Post Office shivpur Bairagi, Distt. Bahraich.

Respondents.

By Advocate: Sri K.K. Shukla for Dr. Neelam Shukla.  
Sri Jagendra for Private Respondent.

Order (0291)

By Hon'ble Mr. Shankar Prasad Member (A):

By this O.A., the applicant seeks the reliefs of quashing the appointment of private respondent and consider the case of applicant for appointment to the Post of BPM, Shivpur Bairagh, Bisheshwargany Bahraich. He also seeks a direction to the respondent to take necessary action for removal /dismissal and lodging of FIR <sup>in</sup> <sup>of</sup> <sup>against</sup> the private respondent.

2. It appears that both the private respondent as well as the applicant had applied for the abovementioned post. The Private respondent has been selected. The applicant has brought on record the report submitted by the concerned ASPO to SPO Bahraich on two occasions, the information obtained from Secretary, Madhyamik Shiksha Parishad, U.P.,

- 2 -

regarding the private respondent and the letter of SPO, Bahraich that the action will be taken on receipt of further information. The letter dated 08.01.2008 addressed to CPMG in respect of this selection. The selection had commenced vide notification dated 20.12.2004.

3. No reply has been filed on behalf of official <sup>to respondents</sup> objections though notice was received on 11.3.2008.

4. Counsel for private respondent is present.


5. Rule 4 (3) of the GDS (Conduct and Employment) Rules 2001, as inserted in May 2003, reads as under:

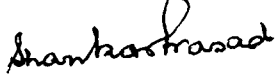
“Notwithstanding anything contained in these rules, any authority superior to the Appointing Authority as shown in the Schedule, may, at any time, either on its own motion or otherwise call for the records relating to the appointment of Gramin Dak Sevaks made by the Appointing Authority, and if such appointing authority appears-

- (a) to have exercised a jurisdiction not vested in it by any law or rules time being in force: or
- (b) to have failed to exercise a jurisdiction so vested; or
- (c) to have acted in the exercise of its jurisdiction illegally or with material irregularity, such superior authority may, after giving an opportunity of being heard, make such order as it thinks fit.”

6. We have heard the counsels.

7. We think that the ends of justice shall be met if we ask the CPMG to look into this matter and satisfy himself as to whether it is a fit case for taking action under the abovementioned rule. The CPMG should first take a decision as to whether the said rule is required to be invoked and if yes to take action. We have expressed no opinion on the merits of the case. Let a copy of the order along with the O.A. be sent to CPMG. This exercise be completed within three months of the receipt of the orders. No costs.

  
(M. Kanthaiah)  
Member (J)

  
(Shankar Prasad)  
Member (A)