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CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

O.A.No.162 of 1992

Smt.Pooja Devi .....Applicant.

Versus

Union of India & others ,.....Respondents.

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

Hon'ble Mr.K.Coayya,A.M.

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

The pleadings are complete and we are disposing of the case.

2. The grievance of the applicant, who is now 21 years'old, is that he has not been appointed as Extra Departmental Branch Post Master in the Post Office in question and an error has been committed by the respondents in appointing the opp.party no.5 by violating the rules. The name of the respondent no.5 was sent by the Employment Exchange beyond 30days and as such he could not have been selected as the selection could have been made only from those whose names were forwarded by the Employment Exchange within a period of 30 days and when both the lists of the Employment Exchange were cancelled, and a fresh list was called for, and then the appointment of respondent no.5 was automatically cancelled but the appointment of respondent no.5 has been allowed to continue which is against all cannons of law and that is why the applicant has prayed that the order of appointment of respondent no.5 may be cancelled and a direction may be issued to the respondents to consider the candidature of the applicant and she may be appointed as Extra Departmental Branch Post Master.

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3. From the facts of the case, it appears that one Ram Prasad Shukla was the Extra Departmental

Branch Post Master and he retired on attaining the age of superannuation on 29.1.92. The names of the candidates were called for the said post from the Employment Exchange and a list was sent by the Employment Exchange on 15.2.91 in which the names of three candidates were mentioned including the name of the applicant who was the outgoing Branch Post Master's grandson's wife. The Employment Officer sent yet another list on 16.2.91 in which the name of respondent no.5-Sanwalidhar Dwivedi was included. Thus, there were four candidates for the said post. It appears that as the names of four persons were to be sent, that is why the Employment Exchange later on sent the fourth name. According to the respondents, two lists of the candidates which were received from the employment exchange, were cancelled and correct procedure followed and a fresh requisition was issued by the Superintendent of Post Offices, Gonda for sending a list of candidates upto 27.3.91 and this was done as per order of the Chief Post Master General, UP Circle Lucknow dated 9.1.91 and accordingly third list was sent and previous two were cancelled and the intimation of the same had also been given to the employment exchange. This/ <sup>time,</sup> the Employment Officer again sent four names of the candidates and a scrutiny was made and the merit of the candidates was considered. In the mean time, the Pradhan of Gram Sab, who is related to the applicant, made a complaint against the candidature of respondent no.5 Sanwalidhar Dwivedi and Kranti Kumar Shukla. Enquiries were made and a number of complaints were also made which were the result of imagination of outgoing Branch Post Master Ram Prasad. The respective merit of the candidates was considered.

Out of the four names, sent by the employment exchange, Kranti Kumar Shukla did not apply although Kranti Kumar Shukla secured highest marks in the High School but he was involved in a criminal case and his income certificate was not found genuine. as no shop was found in his name <sup>certificate</sup> at the time of income/verification. So far as the applicant is concerned, <sup>her</sup> income-certificate was based on the income of General Store and at the time of physical verification, the General store was not found in existence and her income-certificate was found to be false. So far as last candidate Sanwalidhar Dwivedi is concerned, his Domicile Certificate has been issued by the A.D.M. and it was found that he had landed property in his name and also fulfilled the other conditions and the character certificate was also in his favour and the same was also found to be correct and accordingly, he was found to be best candidate, that is why he was selected. Thus, the selection of respondent no.5 was made according to rules and the applicant cannot raise voice against it. Accordingly, we do not find any illegality or irregularity in the selection and the application is dismissed. No order as to costs.

  
MEMBER (A)

  
VICE CHAIRMAN.

DATED: OCTOBER 22, 1992

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