

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW BENCH, LUCKNOW.

Original Application No. 506 of 1992.

this the 20th day of February'2001.

HON'BLE MR. RAFIQ UDDIN, MEMBER (J)

HON'BLE MR M.P. SINGH, MEMBER(A)

Avadh Kumar Bajpai, aged about 36 years, S/o Sri Basant Kumar Bajpai, resident of Village and Post Harha, P.S. Achalganj, District Unnao.

Applicant.

By Advocate: S/Sri S.C. Yadav, R.G. Misra.

Versus.

Union of India Ministry of Communication, through its Secretary, New Delhi.

2. The Chief Postmaster General, Lucknow.
3. The Post Master General, Kanpur circle, Kanpur.
4. The Supdt. of Post Offices, Kanpur (M) Division, Kanpur.
5. Sri J.S. Dinesh, at present posted as Supdt. of Post Office, Kanpur (M) Division, Kanpur.
6. Sri Ajai Kumar Nigam, S/o late Sri Ram Prasad, resident of Village & Post Harha, District Unnao.

Respondents.

By Advocate: Sri D.S. Gaur for Sri D.R. Sinha.

ORDER ( ORAL )

M.P. SINGH, MEMBER(A)

The applicant has filed this O.A. challenging the order dated 18.6.1993 passed by the respondent no.4 namely Supdt. of Post Office, Kanpur Division, Kanpur by which the respondent no.6 has been appointed as EDBPM.

2. The admitted facts of the case are that due to death of Sri Vishnu Kumar, Ex-EDBPM, Harha, District Unnao, a post of EDBPM, Harha had fallen vacant. Accordingly, the Employment Officer, Unnao was addressed on 13.7.1992 to send the names of the suitable candidates for the post of EDBPM. The Employment Officer, Unnao, had forwarded five the following names in which three candidates were considered for the

post of EDBPM subject to verification namely S/Sri Avadh Kumar, Ajai Kumar Nigam and Rama Shanker. The District Magistrate, Unnao submitted his verification report on 19.3.1993 mentioning that the applicant namely Avadh Kumar has got no landed property in his own name, which was pre-requisite requirement for appointment as EDBPM in accordance with Rules. Although the applicant namely Avadh Kumar was first in merit list according to the comparative chart prepared by the competent authority, his name was not considered for the post of EDBPM as landed property in the name of the candidate is a must as per rules of Department for the post of EDBPM. Accordingly the next person i.e. the respondent no.6 namely Ajai Kumar Nigam, who was second in merit list and fulfilled all the requisite conditions prescribed for the post of EDBPM, was appointed on 18.6.1993. In view of the fact that the applicant did not fulfil the requisite requirement as per rules, he could not be appointed as EDBPM. In view of the above, the O.A. has no merit and is liable to be dismissed.

3. We have heard the learned counsel for the parties and have perused the pleadings on record.

4. It is <sup>an</sup> admitted fact that the applicant does not have any landed property in his own name as he himself stated in para 5 of the Rejoinder that the applicant is a member of Joint Hindu family and the entire landed property is recorded in the name of his father, who submitted an affidavit before the authority concerned to the effect that he will <sup>be</sup> responsible for every act of his son. As the applicant did not fulfil the requisite condition for the post of EDBPM, he could not be appointed on the post of EDBPM. The O.A. is devoid of merit and is dismissed. No costs.

  
MEMBER(A)

  
MEMBER(J)