

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, P A T N A

O.A.NO.: 491/96

DATE OF DECISION: 30<sup>th</sup> OCT-1996

AMRESH KUMAR. : APPLICANT.

VRS.

Union of India & Ors. : RESPONDENTS.

COUNSEL FOR THE APPLICANT. : SHRI J.K. KARN.

SHRI A. KUMAR.

COUNSEL FOR THE RESPONDENTS : SHRI R.K. CHOUBEY.

C O R A M

HON'BLE MR. K.D.SAHA, MEMBER (ADMINISTRATIVE)

HON'BLE MR. D.PURKAYASTHA, MEMBER (JUDICIAL)


ORDER DICTATED IN OPEN COURT



HON'BLE MR. K.D.SAHA, MEMBER (A):

Heard learned counsel for the parties.

This application is directed against the appointment of Shri Prabhat Kumar (Respondent no.5) as EDBPM at Muraywatour B.O. ignoring the claims of the applicant. The learned counsel for the applicant submits that applicant, Shri Amresh Kumar fulfills all the required norms for appointment to the post and obtained more marks than the respondent no.5 in the Matriculation Examination (the applicant secured 533 marks against 427 secured by the respondent no.5). But, despite this, the respondent no.5 was appointed in an arbitrary manner ignoring the better claims of the applicant. The applicant has submitted a representation as at Annexure-A/10, dated 18.08.1996 on this issue but till today no reply has been received by him.

2. After going through the averments on record and considering the submissions made by the learned counsel for the applicant, we are of the view that this

application can be disposed of by giving a suitable direction to respondent no.2 to dispose of the representation as at Annexure-A/10 by a reasoned and speaking order after giving personal hearing to respondent no.5 who has been appointed as  EDBPM, *Murawatpur B.O.*

3. Accordingly, we hereby direct respondent no.2 to consider and dispose of the representation of the applicant as at Annexure-A/10, dated 18.08.1996, by a reasoned and speaking order after giving  hearing <sup>to</sup> the respondent no.5 within a period of three months from the date of receipt of a copy of this order alongwith a copy of the O.A. No.491/96 which will be submitted by the applicant to respondent no.5 within one month from  today.

4. The application is disposed of accordingly.

  
(D. PURKAYASTHA)  
MEMBER (J)

  
(K.D. SAHA)  
MEMBER (A)

30/x/96