

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PATNA BENCH  
(CIRCUIT BENCH AT RANCHI)

Registration No.OA-411 of 1996

(Date of Order: 1.6.2001)

Parmeshwar Mahto, S/o Sri Budhinath Mahto,  
Resident of Village Tetaria, Post Office  
Simra, Police Station Lalmatia, Distt. Godda.

.... Applicant

By Advocate Mr. M.K. Sah

Versus

1. The Union of India through the Chief Postmaster  
General, Bihar Circle, Budhmarg, P.S. Kotwali,  
Town and District Patna.

2. The Sub-Divisional Inspector (Posts),  
Godda Sub-Division, Godda.

3. Shri Akhilesh Pandit, S/o Daya Nath Pandit,  
resident of village Tetaria, P.O. Bara Simra,  
P.S. Lalmatia, Distt. Godda.

..... Respondents

Advocate: Mr. S.N. Tiwary for Pvt. Respondent.

By Sr. Stdg. Counsel, Shri V.M.K. Sinha

Coram: Hon'ble Mr. Justice S. Narayan, Vice-Chairman  
Hon'ble Mr. L.R.K. Prasad, Member (Administrative).

O R D E R

S. Narayan, V.C.

The applicant, Parmeshwar Mahto, has impugned an order dated 3.7.1996 issued by the respondent No.2, Subdivisional Inspector of Posts, Godda, whereby respondent No.3 Akhlesh Pandit has been appointed as EDDA Cum MC in the Branch P.O. Bara Simra, District Godda.

2. The applicant has urged in this application that whereas he and respondent No.3 along with some others were within the zone of consideration for selection to the post of EDDA-cum-MC, the official respondent arbitrarily discriminated his case and appointed the respondent No.3 even though he (respondent no.3) had not submitted the original certificates and required documents on the day of verification i.e. 22.6.1996 before the appointing authority (i.e. respondent No.2). It was also

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pleaded that respondent No.3 did not turn up on the day of Interview and, inspite of that, he was selected for the post.

3. The official respondents /as also private respondent filed separate written statements and contended, inter alia, that the selection to the post of EDDA-cum MC, as made by Annexure-3, was strictly according to the rules. ~~and~~ The allegation as levelled by the applicant has been emphatically denied.

4. In order to determine the controversy, our attention was first drawn to the assertion in para 9 of the application wherein the applicant contended that the respondent No.3 did not turn up before the concerned authority on the date of interview i.e. on 22.6.1996. This plea was, however, neither raised in the ground for relief as contained in para 5 of the application nor was pressed at the time of argument. It is worth mentioning that the official respondents have produced the attendance sheet dated 22.6.1996 Annexure-D and also certificate issued by the Sr. Postmaster, Lalmatia Colliery P.O. (Annexure-E) which would amply demonstrate on the record that respondent no.3 ~~did~~ participate in the selection process and was present before the concerned authority at the time of verification/interview on 22.6.1996. The applicant's allegation as contended in para 1 of the OA thus falls on the ground.

5. As to the other objection raised by the applicant such as non-production of the original documents on the day of verification i.e. on 22.6.1996, we have taken note of the fact that this runs contrary to the first allegation as already discussed above. On one side the applicant asserted that respondent did not turn up on the day of

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interview and, on the other side, he alleged that the said respondent No.3 had appeared in the interview but without producing the original documents and certificates when asked for by the official respondents. Be that as it may, we find a categorical assertion made by the official respondents that on the day of interview i.e. on 22.6.1996, the respondent no.3 did submit all the certificates in original as required.

6. In order to support his allegation, the applicant's side has drawn our attention to a certificate issued by the Vice-Principal of Small Scale Training Institute, Lalmatia as at Annexure-A/3. This certificate simply speaks that the respondent No.3 had taken away certain original certificates from the said institute on 1.7.1996 and those were not not returned till the issuance of the certificate Annexure-A/3 on 2.7.1996. There is no mention in the certificate, Annexure-A/3, as to what was the nature of the original certificate which had been taken away by the respondent No.3 from the said institute and, therefore, this certificate was meaningless. In this context, it may be pointed out that since the respondent No.3 was supposed to have submitted all his original certificates, such as; School Leaving Certificate, Matriculation Certificate, Caste Certificate, Residential Certificate and Admit Card in the office of Small Scale Training Institute, Lalmatia, the applicant made a <sup>desperate</sup> endeavour to obtain the aforesaid certificate, Annexure-A/3, so as to falsify the production of the original certificates before the respondent no.3 on the day of verification i.e. on 22.6.1996.


7. In the context of the above allegation, the respondents have drawn our attention to a letter dated 20.9.1996 in the pen of respondent No.3, Annexure-A/5, whereby he moved the Principal of the Small Scale Training Institute, Lalmatia to return the aforesaid original


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certificates so as to be able to produce those at the time of verification in the Postal Department on 22.6.1996 with undertaking to return those on 24.6.1996. In face of this step taken by the respondent no.3, we have been convinced that the assertion made by the official respondent in regard to production of the original certificates required for the verification on 22.6.1996 was the hard truth. Therefore, the second objection raised by the applicant also was not acceptable.

8. Before we arrive at a final conclusion be it also recorded that even as per admitted case of the applicant, the respondent no.3 had secured 1st Division in the Matriculation Examination as against 2nd Division obtained by the applicant, vide point 4.10 of the OA. This being the position respondent No.3 was definitely superior candidate for the purpose of selection to the post in question.

9. In the result, this OA has no force to succeed and it is accordingly dismissed without any order as to costs.

  
(L.R.K. Prasad)  
Member (A) 1/6/01

  
(S. Narayan)  
Vice-Chairman 1/6/01