

THE CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH : PATNA

OA No.149 of 1996

Patna, this the 19th day of 2002

C O R A M

Hon'ble Mr. Justice B.N.Singh Neelam, Vice-Chairman

Hon'ble Mr. Sarweshwar Jha, Member (Administrative)

1. Sumila Kumari, wife of Sri Pawan Kumar Shukla,
resident of Village Khanjahachak, Via - Lalganj,
Police Station Lalganj, District Vaishali.
2. Pawan Kumar Shukla, Son of Sri Shriwan Narayan
Shukla, resident of Village Khanjahachak,
Via Lalganj, Police Station Lalganj,
District Vaishali

.... Applicants

- By Shri J.K.Karn, Advocate

Versus

1. The Union of India, through the Secretary-cum-Director General, Department of Posts, Dak Bhawan, New Delhi-1.
2. The Chief Postmaster General, Bihar Circle, Patna.
3. The Director, Postal Services, Office of the Chief PMG, Patna.
4. The Superintendent, Post Office, Vaishali Division, Hajipur.
5. Sri L.P. Bharti, Assistant Superintendent Post Offices, Vaishali, East Sub-Division, Vaishali
6. Sri Dinesh Kumar, Son of Sri Butan Sah, At & P.O. Khanjahachak, Via - Lalganj, District Vaishali, at present working as EDBPM of Khanjahachak EDBO in Vaishali Postal Division

... Respondents

- By 1. Shri G.K.Agarwal, Additional Standing Counsel
2. Shri S.N.Tiwary, Advocate

ORDER

(Pronounced in open Court
through Dictation)

1. Heard the learned counsel for the applicants, the learned counsel representing Official Respondents and the learned counsel appearing on behalf of the private Respondent No.6.
2. It transpires that by filing this Original Application the appointment of the Respondent No.6 i.e. Dinesh Kumar, on the post of EDBPM, Khanjahachak Branch Post Office is so challenged on the grounds mentioned in the application, mainly on the ground³ that fraudulently for wrongful gain the Respondent No.6, Dinesh Kumar, had submitted one Matriculation Certificate of the year 1991 and claimed to have secured 585 marks out of full marks 900. It is submitted that the same person, Dinesh Kumar, sat in the Matriculation Examination in the name of Devendra Prasad Sah in the year 1984 and secured 500 marks out of 900 full marks and it is because he is claiming to secure 585 marks in the year 1991 in the Matriculation Examination ^{by the} and he got selected, and on that score only that selection is challenged. It ^{is} also coming in light ^{lyed by} particular^{ly} going through the Misc. Application No.293 of 2000 so filed arising out of the CA-149 of 1996 ^{applicants} that on behalf of the ~~PZ-149~~ complaint was so lodged before the Department just after the selection for appointment of the Respondent No.6 in the year 1993 and in that connection even inquiry was so conducted. According to the applicants the inquiry report is in favour of the stand so taken by the applicants. There was a direction to the concerned official respondents as to make available a copy of the inquiry report sometime in the year 2000 itself, but that has not yet been made available. Furthermore, ^{view} keeping in^{view} of the inquiry

~~_____~~
 report, ~~_____~~ we would also like to see that final order so passed by the Departmental authority after submission of the inquiry report in connection with the allegations so put by the applicants challenging the selection/appointment of the Respondent No.6, that is also not available.

3. In the background of the circumstances and after hearing the learned counsel for the applicants, who are husband and wife, and the learned counsel representing the other side, we feel that first of all the question of selection/appointment of Dinesh Kumar was ~~first~~ challenged ~~_____~~

~~_____~~ before the Department itself and the department had set up an inquiry ^{without a copy of looking into} and the inquiry report and final order so passed on the basis of the facts being available, ^{it} does not ^{seem} possible for us to decide the matter at this stage considering the relief/s so sought for grant to the applicant.

~~_____~~ that light ~~_____~~ ^{as to be as to what} in that light, first of all it was seen what was the final order so passed by the Department concerned after the allegation ~~_____~~ put by the applicants relating to the selection/appointment so made to the Respondent No.6. However, before parting ^{of} the order a liberty be given to the learned counsel for the applicant, if so advised, to file an Original Application afresh if ^{the applicants} they in any way ^{be filing} aggrieved by the final order so passed by the Departmental authority relating to the allegation put by the applicant and the inquiry conducted,

and final order so passed by the Postal authority concerned. It is for the concerned authority to make such final order in connection with the allegation ^{al furnished to} so ^{put by} the applicant as to know actual position in the matter. This be made within a period of one month when the ^{applicants} ~~the~~ ^{at} approached the authority concerned ^{for} with furnishing of the final order so passed by the Postal authority i.e. Respondent No.2. In this connection, as submitted, the inquiry was also conducted relating to the allegation so made just after ~~the~~ complaint was made by the applicants and just after the selection/appointment of the Respondent No.6, Dinesh Kumar was made.

4. With the above observations and directions the matter stands disposed of. The parties ^{to} bear their own costs.

SKS

(Sarweshwar Jha)
Member (A)

(B.N.Singh Neelam)
Vice-Chairman