

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA.

REGISTRATION NO. OA 335 OF 1996

DATE OF ORDER : 2 .08.2000

Arjun Sahani, son of Shri Mahadeo Sahani, resident of village -Pahsara, P.O. Pahsara , Babhangama, P.S. Naokothi, Distt.- Begusarai, working as EDBPM of Chhapki EDBO, District - Begusarai (Bihar).

.....APPLICANT.

By Advocate Shri L. Kishore with Shri S.N. Tiwary.

Versus

1. The Union of India, through the Secretary, Govt. of India, Ministry of Communication, Department of Posts, New Delhi -cum- The Director General, Department of Posts, India Dak Bhawan, New Delhi 110001.
2. The Chief Postmaster General, Bihar Circle, Patna-1.
3. The Postmaster General, Northern Region, Muzaffarpur.
4. The Director of Postal Services, Northern Region, Muzaffarpur.
5. The Superintendent of Post Offices, Begusarai Division, Begusarai.
6. The Sub-divisional Inspector (Postal), Begusarai East Sub-division, Begusarai.
7. Shri Anil Kumar, son of Anandu Mahato, resident of village and P.O. Chhapki, P.S. Barauni, Distt. Begusarai.

.....RESPONDENTS.

By Advocate Shri S.C. Jha, Addl. Standing Counsel for U.O.I. and Shri N.P. Sinha for pvt. respondent No.7.

C O R A M

Hon'ble Mr. Lakshman Jha, Member (J)

Hon'ble Mr. L.Hmingliana, Member (A)

O R D E R

L. Hmingliana, Member (A):-

The applicant was appointed as EDBPM, Chhapki EDBO vide memo dated 21.11.94, but his services were terminated vide order dated 2.7.1996. His OA is against

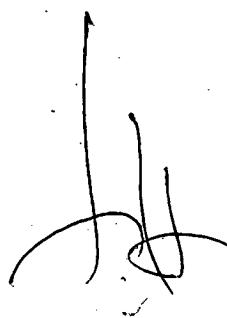
the termination of his services.

2. The applicant was one of the six candidates sponsored by the Employment Exchange, Begusarai for appointment to the post response to the requisition dated 10.6.1994. The respondent No. 7 was another candidate. Admittedly, the respondent No. 7 was the candidate with higher marks in matriculation examination, but he was not selected on the ground that he had not produced the required documents in support of his claim that he had land exclusively in his own name. He filed OA 232/95, challenging the appointment of the present applicant and for his own appointment. We heard his OA along with the present OA, and by another order which we are passing, we are allowing the challenge to the appointment of the present applicant, who is also respondent No. 5 in OA 232/95, and we are quashing the order of his appointment.

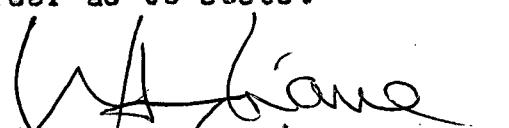
3. The applicant in the present matter was granted by the Tribunal on 31.7.1996 ~~as~~ interim relief, staying the impugned order of ~~the~~ termination of his services, and he is still continuing in the post on the basis of the stay order.

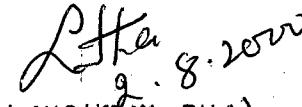
4. As we are quashing the order of his appointment itself, the OA 335/96 has to be dismissed ~~as~~ infra~~ctious~~.

5. The application is dismissed. We are giving direction in the order we are passing in OA 232/95 to the respondents to make a fresh appointment after



issuing re-advertisement as per rules. The same direction will also apply here. There shall be no order as to costs.


(E. HMING LIANA)
MEMBER (A) 28/2000


Lakshman Jha
(LAKSHMAN JHA)
MEMBER (J)

/CBS/

