

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA.

O.A.No. : 199 of 1996.

Date of order : 28.11.2002.

C O R A M

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

Hon'ble Mr. L.R.K.Prasad, Member (Administrative).

Jaldeo Kumar, son of Late Julai Vishwakarma, resident of village and P.O. Kharanja, P.S.: Naubatpur, District Patna.

By Advocate :- Shri S.N.Tiwary.APPLICANT.

Vs.

1. The Union of India, through the Secretary, Govt. of India, Ministry of Communication, Deptt. of Posts, India, New Delhi-cum-The Director General, Deptt. of Posts, New Delhi-110 001.
2. The Chief Postmaster General, Bihar Circle, Patna-800 001.
3. The Sr. Supdt. of Post Offices, Patna Division, Patna-04.
4. The Assistant Superintendent of Post Offices, Patna South Sub-Division, Patna-800 020.

RESPONDENTS 1ST SET.

By Advocate :- Shri S.C.Jha,

Addl. Standing Counsel.


5. Shri Sanjay Kumar, S/o Shri Bhagwan Mahto, EDMC, P.O.: Kharanja, P.S.Naubatpur, District : Patna.

RESPONDENTS 2ND SET.

By Advocate :- Shri I.D.Prasad,
(Respondent no.5).

O R D E R

Justice B.N.Singh Neelam, V.C.:- Today the matter is listed under the heading "For Admission (On Notice)". Heard Shri S.N.Tiwary, learned counsel appearing on behalf of the applicant, Shri I.D.Prasad, learned counsel appearing on behalf of the private respondent no.5) and Shri S.C.Jha, learned Addl. Standing Counsel appearing on behalf of the official respondents.

2. The applicant has filed this O.A. 

challenging the appointment of respondent no.5 to the post of EDMC, Kharanja. It is submitted that to the said post vide order dated, 31st March 1993 (Annexure-A/7), the applicant was so directed as to render his services till further orders and that he even started rendering his services from 01.04.1993, but surprisingly enough the said order of his rendering service was so cancelled vide order dated 15.04.1994 giving direction to the department concerned as to get the work done till further orders by engaging daily wage earner and that after advertisement when the names were so sponsored, which included the name of the applicant and the respondent no.5 alongwith others, finally the applicant was not given the weightage for his rendering services from 01.04.1993 to 15.04.1994 and appointment was so offered to respondent no.5 which is under challenge. It is pointed out on behalf of the applicant that since the department had given the offer to the applicant on 31st March 1993 as to render his services which he rendered with all sincerity till 15.04.1994 without giving weightage to his services so rendered appointment of respondent no.5 can well be said to be not justified. All ^{of other} these points so taken in this OA are pressed into service. On behalf of the respondents it is submitted that in the instant case when the post was so advertised for filling it by open advertisement, even the applicant applied for the same and comparative chart was so prepared relating to the persons whose names were so sponsored and whose verification was so done and finding respondent no.5 to be the most eligible amongst the names sponsored, he was so appointed to the post of EDMC and that way there is nothing wrong in the order under challenge and that way ^{since} this OA has got no merit, the same be dismissed.

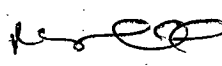
2. In this connection, it is also brought in notice that by the plain reading of Annexure-A/7 it will


transpire that on 31.03.1993 the applicant was ordered to render his services ~~as~~ as substitute till further orders specifically mentioning that working as substitute will not confer any right upon the applicant for the said post. That way too, it is submitted ^{by the} since this OA has got no merit, the same be dismissed.

4. In Course of argument so advanced on behalf of the applicant, our attention was also drawn to Annexure-A/11(a) and in that context it is submitted that the applicant had also sent a letter to the Sr. Supdt. of Post Offices indicating therein that on the date of interview even respondent no.5 had not cared to appear but surprisingly enough he was so appointed for the reasons best known to the respondents and relating to this point so raised, on behalf of the official respondents, our attention was drawn to para-13 of the written statement (Page 10) and submitted that the point so raised has already been explained that on the first date the respondent no.5 was not interviewed, but later on he was given the chance to appear in the interview and his documents were so verified on 06.02.1995, prior to issuance of the appointment letter, and finding the respondent no.5 as one of the best candidate, appointment letter was so issued to him which also finds support in para-3 of the written statement so filed by the private respondent. That being the position, the objection so raised by the applicant, in our considered opinion, is met with by the other side.

5. Consequently, taking the matter and issue as a whole, we find that the arguments so advanced on behalf of the respondents has got much of strength and the appointment so given to the respondent no.5 in the background of the facts and circumstances, detailed above, does not require any interference. (7)

6. Thus, finding no merit in the O.A., the same stands dismissed. Parties to bear their own costs.


(L.R.K. Prasad)
Member (A)


(B.N. Singh Neelam)
Vice-Chairman

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