

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, P A T N A

O.A.NO.: 103/96

DATE OF DECISION: 01-NOV-1996.

VIJAY KUMAR.

: APPLICANT.

VRS.

UNION OF INDIA & OES.

: RESPONDENTS.

COUNSEL FOR THE APPLICANT.

: SHRI REWATI RAMAN.

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 Shri R.Raman, learned counsel for the applicant. This application is directed against the appointment of respondent no.6 (Anand Mohan Singh) on the post of Extra Departmental Telegraph Messenger (for short, EDTM) in preference to the claims of the applicant. It is submitted that the claims of the applicant was duly considered by the respondents and although the applicant secured higher marks in the Matriculation Examination than the respondent no.6, the applicant was not appointed. It is submitted that the claims of the applicant was considered alongwith others for appointment as EDTM and although the applicant got the highest marks in the Matriculation Examination amongst all the candidates, he was not appointed and respondent no.6 was appointed in an arbitrary manner. In para-408 of the further O.A. it is alleged that respondent no.6 is the own brother-in-law of the respondent no.4 and under his influence the respondent no.5 appointed the respondent no.6 on the post of EDTM ignoring the better claim of


12

the applicant.

2. Considering the averments on record and 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.3, the Postmaster General of Bihar Circle, Muzaffarpur, to look into the matter afresh. Accordingly, we hereby direct the applicant to submit a representation to Respondent no, 3, the Post Master General, Bihar Region, Muzaffarpur, alongwith a copy of this order and ~~with~~ a copy of the O.A. No.103/96 within² a month from today, and on receipt of the same, the respondent no.3 shall dispose of the above-said representation by a reasoned and speaking order after giving ~~personal~~^{pre} hearing to respondent no.6 (Anand Mohan Singh), who has~~be~~ since been appointed as EDTM in the Pachrukhi Sub-Post Office, Siwan Postal Division, within a period of three months from the date of receipt of the ~~re~~^{pre} representation.

3. The application is disposed of accordingly.

at the admission stage itself.

(D. PUR )
MEMBER (J)

(K.D.SAHA)
MEMBER (A)

1.11.86