

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

O.A.NO.:193/96

DATE OF DECISION: 30<sup>th</sup>-OCT-1996

RAJ KISHORE MAHTO.

: APPLICANT.

vrs.

UNION OF INDIA & ORS.

: RESPONDENTS.

COUNSEL FOR THE APPLICANT.

: SHRI N.P.SINHA.

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 N.P.Sinha, learned counsel for the applicant. This application is directed against appointment of respondent no.7 on the post of ED Packer Manjhailia R.S. in Champaran Postal Division, Motihari by respondent no.6 vide memo dated 10.07.1995. It is submitted that although the applicant fulfills all the conditions and also got higher marks than respondent no.7 at the matriculation/equivalent examination, the respondent no.7 was appointed in an illegal and arbitrary manner ignoring the better claim of the applicant. The learned counsel for the applicant further submits that the respondent no.7 has been appointed ignoring the better claim of the applicant on the ground that a brother of the applicant, Shri Raj Kumar Mahto was working as Mailpeon in the same Sub-Post Office. Accordingly, the applicant was not considered for selection. It is further submitted that the relevant provisions with regard to non-consideration for selection and appointment on the ground that some near relative is working in the post-office is not applicable

in this case as this is a case of appointment in a sub-post office. The applicant is stated to have submitted a representation as at Annexure-A/9, dated 31.07.1995 to the Supdt. of Post Offices, Champaran Division, Motihari (Respondent no.4) against appointment of respondent no.7 as ED Packer, Manjhauliya RS Sub-Post Office and a copy of the representation was also endorsed to the Post Master General(N), Muzaffarpur, but no reply has been received by the applicant so far.

2. Considering the submissions made by the learned counsel and after going through the averments on record, we are of the view that this application can be disposed of by giving a direction to respondent no.4 to consider and dispose of the representation as at Annexure-A/9 in accordance with law. Accordingly, we hereby direct the respondent no.4, Supdt. of Post Offices, Champaran Division, Motihari, to dispose of the representation of the applicant by a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order alongwith copy of the O.A.No.193/96 which will be submitted to the respondent no.4 by the applicant within one month from today.

3. The application is disposed of accordingly.

(D. PUR KAYASTHA)  
MEMBER (J)

(K.D.SAHA)  
MEMBER (A)

30/8/96