

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO: 733/2000

DATE OF DECISION: 19/02/2001

Shri Ashok Dagdu Wahul

Applicant

-----Advocate for
Applicant.

Versus

Union of India & Anr.

-----Respondents.

Shri V.S.Masurkar

-----Advocate for
Respondents.

CORAM:

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri B.N.Bahadur, Member(A)

1. To be referred to the Reporter or not?
2. Whether it needs to be circulated to other Benches of the Tribunal?
3. Library.

B.N.Bahadur

(B.N. BAHADUR)

MEMBER(A)

abp

**CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO:733/2000
DATED THE 19TH DAY OF FEB,2001**

**CORAM:HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE SHRI B.N.BAHADUR, MEMBER(A)**

Ashok Dagdu Wahul,
Taleriing and Agricultural,
R/O.At.Post.Jeur, Tq.Kannad,
Dist.Aurangabad.

... Applicant

V/s.

1. Union of India,
Ministry of Post and Telecom,
Sanchar Bhavan,
20, Ashoka Road,
Government of India,
Dak Bhavan,
New Delhi-110 001.

2. Senior Superintendent of Post Offices,
Aurangabad Division,
Aurangabad - 431 001.

... Respondents

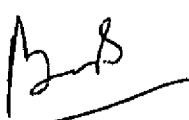
By Advocate Shri V.S.Masurkar

(ORAL) (ORDER)

Per Shri B.N.Bahadur, Member(A)

The applicant in this case, Shri A.D.Wahul, comes up to the Tribunal in grievance against the impugned order through which the selection of applicant as Branch Post Master is cancelled. The case involves a short point, and is hence taken up at the stage of admission for disposal. The applicant is not present either personally or through his counsel. He was also not present on the last date i.e. 5/2/2001. Hence this case is being taken up in his absence, and being decided on merits. We have heard the Learned Counsel, Shri V.S.Masurkar, for Respondents.

2. The case of the Applicant is that he had offered himself for selection in response to the proclamation inviting applications for the post of Branch Post Master at village Jeur, Tq. Kannad, Dist. Aurangabad. He had submitted the relevant



...2.

certificates including one relating to his owning a residential house in the village. The applicant states further that he had been selected for provisional appointment and was asked to present himself with documents and certificate vide letter at Exhibit-A dated 12/11/98. He now comes up to the Tribunal with the grievance of the cancellation of aforesaid communication made vide order at Exhibit A-4 dated 3/10/2001.

3. The main ground taken by the applicant is indeed targeted at the reason given in the letter of cancellation to the effect that this cancellation comes about since the applicant does not have any landed property, and independent means of livelihood. The applicant has stated in his application that he has property and that he owns a residential house as certified by Sarpanch of the Village of which certificate he has submitted a copy at Exhibit A-3. He also states that there are five acres of land standing in the name of his grandfather, and these two facts should be enough to conclude that he has independent means of livelihood.

4. The Respondents have resisted the claim of the Applicant reasserting the point that rules require the Applicant to own landed property in his/her own name. Also that the certificate at Annexure A-3 is an undependable certificate without any details regarding the house or details of income derived from it. Thus, it is contended that the applicant did not satisfy the requirement of adequate means of livelihood. It is also stated that after the provisional offer of selection, it was also determined by the Respondents that there was not enough work and hence this post was attached to a nearby village.

5. The learned counsel Shri V.S.Masurkar reiterated these points in detail stating that drawing out attention to

the facts of the case and the contentions taken as discussed above in gist. The learned counsel further sought to draw support from a judgement of Punjab and Haryana High Court a copy of which is annexed at page-31 of the paperbook.(CWP 15356/97).

6. The first point that becomes clear is that in view of peculiar facts of the nature of duties of extra departmental Branch Post Master, it is necessary that the applicant establishes independent means of livelihood. Only these are the requirements as laid down under the rules governing such selection and the instructions issued by D.G.P & T dated 30/1/81, 6/6/88 and 12/3/93. It is true that the applicant has not furnished adequate support to establish his claim of having adequate means of livelihood. We have also glanced through the papers of selection made available to us File No.A-1/APPH/BPM/JEUR/99. In fact he has at one stage stated in the form filled up after provisional selection that he does not own any landed property.

7. The main document which the applicant now relies on to establish that he has means of income certificate of Gram Panchayat mentioned earlier, Exhibit A-3. We have seen the original document. It also states that there is household property in his name and that it is being used by him. This is vague statement and applicant does not provide any details either through this certificate or any other documents. While it is regrettable in that the respondents have taken two years to decide the matter and to cancell applicant's appointment, and to come to the conclusion that there is not enough work in the Village Jeur, this does not provide the Applicant with a right to appointment. The offer made was a conditional offer, and he has failed, even in our assessment, to satisfy the condition regarding means of income.

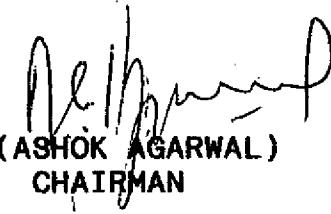
...4.



8. In view of the discussions above, the application is liable for dismissal and is hereby dismissed. There will be no orders as to costs.

B.N.Bahadur

(B.N.BAHADUR)
MEMBER(A)


(ASHOK AGARWAL)
CHAIRMAN

abp