

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 978/98

Date of Decision: 2/8/99

Shri Sunil Bhatu Pawar

Applicant.

Shri S.P. Kulkarni

Advocate for
Applicant.

Versus

Union of India & 6 Ors.

Respondent(s)

Shri V.S. Masurkar

Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. Justice R.G. Vaidyanatha, Vice 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?

abp.

R.G. Vaidyanatha
(R.G. VAIDYANATHA)
VICE CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION:978/98
DATED THE 2ND DAY OF AUGUST,1999

CORAM:HON'BLE SHRI JUSTICE R.G.VAIDYANATHA, VICE CHAIRMAN.
HON'BLE SHRI B.N.BAHADUR, MEMBER(A).

SHRI Sunil Bhatu Pawar,
Resident of Akadse Village,
At P.O.Sonewadi, Tal.Sindkheda,
District-Dhule-425 406. ... Applicant.

By Advocate Shri S.P.Kulkarni.

v/s.

Union of India
Union of India,
Through:

1. Senior Superintendent of Post Offices,
Dhule Postal Division,
District-Dhule-424 001.
2. The Sub-Divisional Inspector(Postal),
Shirpur Sub-Division,
At P.O. Shirpur (District-Dhule)
P.O.Shirpur-425 405.
3. Postmaster General,
Aurangabad Region,
AT P.O.AURANGABAD-431 002
4. Chief Postmaster General,
Maharashtra Circle,
Old G.P.O.Building, 2nd Floor,
Near CST Central Railway Station,
Fort, Mumbai,
Mumbai - 400 001.
5. Director General(Posts),
Department of Posts,
Ministry of Communications,
G.O.I, Dak-Bhawan,
Parliament Street,
New Delhi-110 001.
6. Shri Uddhav Sarjerao Kunwar,
Extra Departmental Delivery Agent,
At P.O.Sonewazdi, Tal.Shirpur,
Dhule - 425 406 ... Respondents.

By Advocate Shri V.S.Masurkar.



(ORDER) (ORAL)

:2:
(ORDER)(ORAL)

(Per Shri R.G.Vaidyanatha, Vice Chairman)

In this application, the applicant is challenging his non-selection but selection of respondent No.6 for the post of EDDA at Sonewadi Post Office in Dhule District. The respondents have filed their reply. Respondent No.6 has remained un-represented. We have heard both counsels regarding admission.

2. The applicant, respondent No.6 and ^{and} 5 other candidates had appeared for the selection to the post of EDDA at Sonewadi Post Office. After selection, respondent No.6 came to be appointed as EDDA. Being aggrieved by the action of respondents in selecting respondent No.6 and not selecting applicant, the applicant has approached this Tribunal. According to him the procedure adopted by administration is illegal and respondent No.6 is wrongly appointed whereas the applicant has been wrongly not selected. The respondents have justified that appointment of respondent No.6 as EDDA at Sonewadi Post office.

At the time of arguments today, all the relevant papers are kept before us.

3. As can be seen from rules, the minimum qualification is 8th standard but preference may be given to candidates with matriculation qualification. The learned counsel for applicant



contented that the respondent No.6 was only 9th standard and applicant was matriculate, therefore he should have been given preference. The rule states that preference be given to matriculates but discretion is given to the competent authority while making appointments that he may give preference to matriculate candidate.

4. The applicant had made a complaint to the respondents and the Appellate Authority investigated the matter and found that the respondent No.6 was selected purely on merit. In the absence of specific note in the rules regarding recruitment of EDDA, the ~~competent~~ Appellate Authority has conducted a written test and on the basis of the performance in the written test, respondent No.6 has been selected. Learned counsel for applicant contended that there is no provision for written test under the rules. It is left to the Competent Authority to carry out the selection. Since the rules do not provide any specific mode of recruitment, it is for the ~~competent~~ Appellate Authority and not for the Tribunal to interfere by exercising judicial review.

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5. We have perused the materials on record and find that in the written test respondent No.6 has got 16 marks as against 10 marks obtained by the applicant. Respondent No.6 has been purely selected on merit namely marks obtained in the written test. In the circumstances, it cannot be said that the appointment of respondent No.6 is illegal.

Therefore, in the circumstances of the case, even if there is some ^{irregularity} ~~injustice~~ as alleged by the applicant, it is not for the Tribunal to interfere in the matter.

6. In the facts and circumstances of the case, we hold that no case is made out for interfering with the selection of respondent No.6 as EDDA at Sonewadi Post Office. In view of this MP-705/98 does not survive.

7. In the result, we do not find any merit in the OA and the same is rejected at Admission stage. There will be no orders as to costs.

B.N.Bahadur

(B.N.BAHADUR)

(BMEMBER(A))

R.G.Vaidyanatha

(R.G.VAIDYANATHA)

(VICE CHAIRMAN)