

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 4/1/2001

OA 415/96

Lalaram Mali, EDBPM, Mhiriyan Distt. Ajmer.

... Applicant

v/s

1. Union of India through Secretary, Deptt. of Posts, Ministry of Communications, New Delhi.
2. Chief Postmaster General, Rajasthan Circle, Jaipur.
3. Postmaster General, Rajasthan Southern Region, Ajmer.
4. Supdt. of Post Offices, Beawar Division, Beawar.
5. Shri Gajanand Jogi, Inspector of Post Offices, Nasirabad, Distt. Ajmer.
6. Shri Sanwarlal Rigar, Village & Post Office Mhiriyan, Tehsil Sarwar, Distt. Ajmer.

... Respondents

CORAM:

HON'BLE MR. S. K. AGARWAL, JUDICIAL MEMBER

HON'BLE MR. GOPAL SINGH, ADMINISTRATIVE MEMBER

For the Applicant ... Mr. K. L. Thawani

For the Respondents ... Mr. V. S. Gurjar

O R D E R

PER HON'BLE MR. GOPAL SINGH, ADMINISTRATIVE MEMBER

In this application u/s 19 of the Administrative Tribunals Act, 1985, Applicant Lalaram Mali has prayed for quashing the impugned oral order for taking over charge from the applicant and for a direction to the respondents to consider the applicant for appointment as Extra Departmental Branch Post Master (EDBPM, for short) Mhiriyan, on regular basis giving weightage of provisional appointment and OBC community.

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2. Applicant's case is that he was appointed as EDBPM, Mhiriyan, by verbal orders on 17.7.96. Applicant's name was sponsored by the Employment Exchange and the applicant was asked to submit required documents by 29.4.96. Thereafter, the applicant had submitted all the required documents. It is contended by the applicant that at the time of verification of documents, submitted by him, by the Inspector of Post Offices, Nasirabad, there was no property available in the name of Shri Sanwar Lal Regar and as such the appointment of Shri Sanwar Lal Regar as EDEPM, Mhiriyan, is illegal. It is the contention of the applicant that he fulfills all the eligibility conditions for appointment as EDBPM and as such he has prayed for consideration of his case for appointment as EDEPM Mhiriyan, hence this application.

3. In the counter, it has been pointed out by the respondents that the post of EDEPM Mhiriyan fell vacant on 15.7.96 and the Inspector of Post Offices, Nasirabad, was directed to engage a suitable candidate on temporary/stop-gap basis till a candidate is selected for the post. Accordingly, the Mail Overseer, Nasirabad, engaged visited the place on 15.7.96 and engaged a willing person namely Shri Mahaveer Prasad Jain. After working for two days Shri Mahaveer Prasad Jain handed over the charge to the applicant without any information or permission of the competent authority. Thus, the contention of the applicant that he was appointed as EDEPM Mhiriyan by oral orders is not tenable. It is also pointed out by the respondents that the applicant

Gopal S. J.

had secured 46% marks in the qualifying examination, whereas respondent No.6 had secured 60% marks in the qualifying examination and respondent No.6 was fulfilling all the eligibility conditions including the property. As such, respondent No.6 was selected and appointed as EDBPM Thiriyen. It has, therefore, been averred by the respondents that there is no irregularity in the appointment of respondent No.6 as EDBPM Thiriyen. The application is, therefore, devoid of any merit and deserves dismissal.

4. With a view to ascertain the factual position of the case, we had directed learned counsel for the respondents to produce before us relevant file pertaining to recruitment to the post of EDBPM Thiriyen. The relevant file has been produced before us and we have gone through it carefully. It is seen from this file (page 157/c) that respondent No.6 had secured 60% marks in the qualifying examination and in this respect he was No.1 amongst all the candidates considered for the appointment. It is also seen that the applicant had submitted before the prescribed date documents relating to the land/property purchased in his own name. He has also indicated his annual income as Rs.6000/- . These details have also been verified by the Inspector of Post Offices, Nasirabad. Based on these considerations, respondent No.6 has been appointed as EDBPM Thiriyen. We do not find any irregularity in appointment of respondent No.6 as EDBPM Thiriyen so as to call for our interference. The contention of the applicant that respondent No.6 did not possess any property on the date of his application, does not stand as there is a document dated May, 1996 indicating ownership of property by the applicant, submitted by the applicant

(Signature)

alongwith his application. We are of the view that since respondent No. 6 secured highest marks in the qualifying examination and was fulfilling all the eligibility conditions, he was rightly appointed as EDBPM Mairiyah. Thus, in our view, the application is devoid of any merit and deserves dismissal.

5. The OA is accordingly dismissed with no order as to costs.

Gopal Singh
(GOPAL SINGH)
MEMBER (A)

S.K. Agarwal
(S.K. AGARWAL)
MEMBER (J)