

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 26.5.2000

OA 198/98

Bajrang Lal Sharma, EDBPM, Bajor via Ranoli, Tehsil & Distt. Sikar.

... Applicant

Versus

1. Union of India through Secretary, Department of Posts & Telegraphs, Govt. of India, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Supdt. of Post Offices, Sikar Division, Sikar.
4. Sub Divisional Inspector (Postal), Sikar (North), Sub Division, Sikar.
5. Sh. Kamlesh Kumar Sharma s/o Shri Surya Narain Sharma r/o Bajor via Ranoli, Distt. Sikar.

... Respondents

CORAM:

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

HON'BLE MR. V. SRIKANTAN, ADMINISTRATIVE MEMBER

For the Applicant

... Mr. Amitabh Bhatnagar

For Respondents No. 1 to 4

... Mr. Hemant Gupta, proxy counsel for
Mr. M. Rafiq

For Respondent No. 5

... Mr. K. L. Thawani

O R D E R

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

In this OA, the applicant makes a prayer to quash the order of appointment issued in favour of respondent No. 5 and the respondents be directed to continue the applicant on the post of EDBPM, Bajor via Ranoli, Tehsil & District Sikar, and a further direction is sought to give regular appointment to the applicant in pursuance of the application filed by the applicant.

2. The facts of the case in brief, as stated by the applicant, are that applicant was already working on the post of EDBPM, Bajor, since 18.2.97 but the respondents have illegally and without any reason appointed respondent No. 5 on the post. It is stated that applicant is fully qualified for the post and he has working experience on the post, therefore, he should have been appointed. The respondents have appointed respondent No. 5, which is arbitrary and against the rules and the same is liable to be quashed.

3. Reply was filed. In the reply it has been stated by the official

respondents that respondent No.5 was a most suitable person for selection on the post of EDBPM, Bajor, as he secured highest marks in the High School/Secondary Examination and he fulfils all the other criteria meant for the post. It is also stated that the case of the applicant was also considered but he was not found suitable. Respondent No.5 has also filed a separate reply stating that he was rightly selected on the basis of his merit and applicant has no case for interference by this Tribunal. It is also stated in the reply that no weightage can be given for higher qualifications and experience.

4. Rejoinder is also filed by the applicant, which is on record.

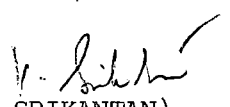
5. Heard the learned counsel for the parties and also perused the whole record.

6. It is a settled legal position that no weightage can be given to the higher qualifications other than High School/Secondary. The basis of merit of the person concerned for the post of EDBPM will be High School/Secondary and if a person has acquired more qualifications than High School/Secondary, no weightage of higher qualifications can be given.


7. No weightage can be given for the experience, which the applicant alleged to have acquired on account of working as EDBPM, Bajor, because there is no rule/provision for giving weightage for the experience of the person concerned on the post of EDBPM. In the absence of rules, we are of the considered view that no weightage can be given to the applicant.

8. It is also not disputed that respondent No.5 was selected on the basis of higher percentage of marks acquired by him in the High School Examination. The other allegations made by the applicant in this OA are also not sustainable as respondent No.5 fulfils all the other criteria laid down for the purpose and we do not find any infirmity in the selection of respondent No.5 made for this purpose as the applicant has already been considered. We, therefore, find no merit in this OA and this OA is liable to be dismissed.

9. We, therefore, dismiss this OA having no merit with no order as to costs.


(V. SRIKANTAN)

MEMBER (A)


(S.K. AGARWAL)

MEMBER (J)