

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 13.2.2001

OA 270/98

Mahavir Prasad Shringi, EDDA, Keshorai Patan Sugar Factory
P.O., District Bundi.

... Applicant

Versus

1. Unioni of India through Secretary, Deptt. of Posts,
Min. of Communications, New Delhi.
2. Postmaster General, Rajasthan Southern Region,
Ajmer.
3. Supdt. of Post Offices, Tonk Division, Tonk.
4. Sub Divisional Inspector (Postal), Bundi East Sub
Division, Bundi.
5. S.D. Sheikh, Sub Divisional Inspector (Postal), Bundi
East Sub Division, Bundi.
6. Satya Prakash Sharma s/o Ganesh Dutt r/o Katar
Bhairon Gali, Yogya Abhyas Ashram Ke pas, Bandi ki
Gali, Bundi.

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

O R D E R

PER HON'BLE MR. GOPAL SINGH, ADMINISTRATIVE MEMBER

Gopal Singh

In this application u/s 19 of the Administrative Tribunals Act, 1985, applicant Mahavir prasad Shringi has prayed for quashing the impugned order dated 26.7.98 (Ann.A/1) and for a direction to the respondents to consider his name for selection to the post of Extra Departmental Delivery Agent (EDDA, for short), Keshorai Patan Sugar Factory, by giving due weightage for his experience on the post. It has further been prayed that the entire record of selection for the aforesaid post be scrutinised and appropriate order be passed.

2. Applicant's case is that he is working as EDDA, Keshorai Patan Sugar Factory P.O., since 8.2.96. Despite repeated requests made by the applicant, his services have not so far been regularised. It has been alleged by the applicant that he fulfils all the eligibility criteria for the post. The Sub Divisional Inspector (Postal), Bundi East Sub Division, had approached the local Employment Exchange for calling names for filling up the post of EDDA. The Employment Exchange had sponsored 20 names but the applicant's name had not been sponsored by the Employment Exchange though he had been registered with the Employment Exchange. It is alleged by the applicant that one Satya Prakash Sharma has been appointed to the said post vide impugned order dated 26.7.98 (Ann.A/1) ignoring the claim of the applicant. It is alleged by the applicant that Sub Divisional Inspector (Postal), Bundi East Sub Division, had demanded Rs.10000/- from the applicant for appointment to the said post, hence this application.

3. In the counter it has been stated by the respondents

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that the appointment of Satya Prakash Sharma (Respondent No.6) has been made as per rules and there is no illegality committed by the department.

4. By way of interim relief dated 5.8.98, the respondents were directed that in case respondent No.6, Shri Satya Prakash Sharma, has not taken over the charge on the post of EDDA at Keshorai Patan Sugar Factory, (Bundi District), before today, i.e. on 5.8.98, the operation of the impugned order dated 26.7.98 (Ann.A/1) shall remain stayed till the date fixed. With a view to settle the controversy in this case, we had directed the respondents to produce before us the file relating to recruitment for the post in question, as demanded by the applicant through MA 184/2000. The said file has been produced before us today.

5. We have heard the learned counsel for the parties and perused the records of the case carefully.

6. A close scrutiny of the recruitment file indicates that the respondents had initiated action to fill up the post in question sometime in May, 1997 with the receipt of a list of candidates from the Employment Exchange office. The Employment Exchange had sponsored 20 candidates. Registered letters were issued to all the 20 candidates and out of 20 undelivered only two letters were received back. In response to these letters, seven candidates had submitted their applications by the scheduled date while two candidates had submitted their applications after the scheduled date. All the seven applications received by the scheduled date were considered

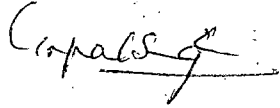
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by the department and two candidates namely Satya Prakash Sharma and Trilok Chand were considered as fit for appointment vide office note dated 3.4.98, at page 151 of the file. Shri Satya Prakash Sharma was having the highest percentage of marks in Matriculation Examination and, therefore, he was kept at S.No.1 of the selection panel. Accordingly, he was asked to submit necessary documents, which he submitted on 23.4.98, as seen from page 169 of the said file. Thereafter, the case was moved for verification of character antecedents of Shri Satya Prakash Sharma (Respondents No.6) and finally he was issued appointment order on 26.7.98 (Ann.A/1). In this chronology of events, we do not find any manipulations or irregularities in offering appointment to respondent No.6. It is a fact that respondent No.6 had initially represented his case for appointment at Bundi City. In all, about three and a half months have been taken by the department in offering appointment to respondent No.6. The allegation made by the applicant that respondent No.6 had been offered appointment after taking bribe of Rs.10000/- appears to be only a wild allegation. The applicant has also contended that he is better qualified than respondent No.6. In the OA itself the applicant has stated that he is 8th Class passes, whereas respondent No.6 is Matriculate. Thus, the contention of the the applicant is not tenable. Further, there is another person on the panel who is also Matriculate and better qualified than the applicant. Thus, even if the appointment of respondent No.6 is cancelled, as prayed for by the applicant, the applicant is not going to get any benefit out of it. Moreover, as has been pointed out above, we do not find any

Cirpal Singh

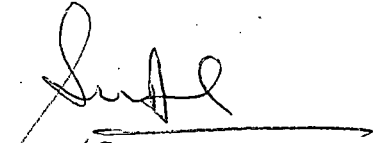
irregularity in appointment of respondent No.6 as EDDA. In the circumstances, we are of the view that the OA is devoid of any merit and deserves dismissal.

7. Accordingly, the OA is dismissed with no order as to costs. The interim order given earlier stands vacated.



(GOPAL SINGH)

MEMBER (A)



(S.K. AGARWAL)

MEMBER (J)