

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

DATE OF ORDER : 12/4/2002

OA No. 538/1999

Ghanshyam <sup>Das</sup> Batt son of Shri Nathulal Bhatt. Aged about 28 years, resident of 20/13, OUTside Nehrugate, Vitthal Basti, Beawar, District Ajmer (Rajasthan).

....Applicant.

VERSUS

1. Union of India through Secretary to the Govt. of India, Ministry of Post & Telegraph, New Delhi.
2. Post Master General, Rajasthan Circle, Jaipur.
3. Assistant Postmaster General Rajasthan Circle, Near Savitri School, Ajmer.
4. Superintendent, Post Office, Vinod Nagar, Beawar, District Ajmer.
5. Mahendra Kumar Chauhan son of Shri Mohan Lal Chauhan, Resident of Gopalji Mohalla, Beawar District Ajmer (Rajasthan).

....Respondents.

For the Applicant :

Mr. Ajay Pal Singh

For the Respondents

Mr. N.C. Goyal and Mr. D.K. Swamy Proxy counsel for Mr. Bhanwar Bagri.

CORAM

Hon'ble Mr. A.P. Nagrath, Member (Administrative)

Hon'ble Mr. J.K. Kaushik, Member (Judicial)

ORDER

PER HON'BLE MR. J.K. KAUSHIK, MEMBER (JUDICIAL)

Shri Ghanshyam Das Bhatt has filed this application for seeking a declaration that the applicant is entitled for appointment on the post of E.D. Branch Post Master (for short FDBPM), Sendaria, Beawar District Ajmer instead of respondent

No.5 was appointed and it has also been averred that the matter has been forwarded to the Director, Postal Services, Ajmer and the appointment has not been given to respondent No. 5 so far. There is no illegality in selecting and appointing respondent No. 5 on the said post of EDBPM. Since the applicant did not fulfil the conditions laid down in the notification for the post of EDBPM mentioned in Para 1 of the reply.

4. We have heard the learned counsel for the parties and have perused the records of the case. The controversy involved in this case is squarely covered by this Tribunal's judgement dated 3.4.2002 in OA No. 106/2000, Banwari Lal Jangid vs. Union of India & Others by the Bench in which one of us was a Party (i.e. Mr. J.K. Kaushik), wherein it has been held that the selection in the case of ED Agents has to be held strictly on the basis of marks obtained in the matriculation examination by the candidates and this is the condition precedent. The other requirements are condition subsequent and some reasonable time may be given to fulfil the other conditions regarding Income Certificate, Property Certificate etc. Since the applicant has got more percentage of marks than the private respondent No. 5 in Matriculation Examination, he is entitled for selection and the selection of respondent No. 5 is not sustainable in law. Accordingly, we pass the order as under:-

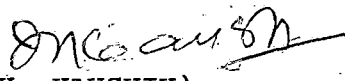
The OA is allowed. The selection/appointment of Respondent No. 5, Shri Mahendra Kumar Chauhan, to the post of EDBPM, Village Sendaria, Beawar, District Ajmer held in pursuance of the general notification is hereby quashed. The respondents are directed to finalise the selection to the post of EDBPM, Village Sendaria Beawar District Ajmer in pursuance of notification dated 10/11-1998 and general notification from amongst the candidates sponsored/applied thereafter strictly on the basis of marks obtained in the matriculation examination and the selected candidates may be asked to fulfil any other

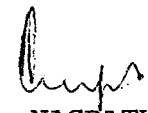
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requirement regarding property or income etc. within a period of three months thereafter. This order shall be complied with within a period of three months from the date of receipt of a copy of this order. However, there shall be no order as to costs."

  
(J.K. KAUSHIK)  
MEMBER (J)

  
(A.P. NAGRATH)  
MEMBER (A)