

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,
jaipur.

Date of Decision: 13.11.2000

OA 246/2000

Maniram Meena s/Shri Gauri Shanker Meena, r/o Village
Dola ka Bas, via Kaladera, District Jaipur.

... Applicant

v/s.

1. Union of India through Secretary, Deptt. of Posts,
Min. of Communication, New Delhi.
2. Supdt. of Post Offices, Jaipur Rural Division,
Jaipur.
3. Inspector of Post Offices, M.O. Chomu.
4. Shri Nanagram s/o Shri Gaindaram Bunkar, r/o Post
Ghinoi, via Kaladera, Distt. Jaipur.

... Respondents

CORAM:

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

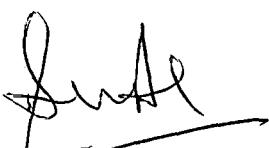
HON'BLE MR. GOPAL SINGH, ADMINISTRATIVE MEMBER

For the Applicant ... Mr. P. C. Swami

For the Respondents ... Mr. N. C. Goyal

O R D E R

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


In this OA filed u/s 19 of the Administrative
Tribunals Act, 1985, the applicant makes a prayer to

direct the respondents not to allow respondent No.4 on the post of EDBPM, Dola ka Bas, since 13.5.2000 and also to direct the respondents to make regular appointment of the applicant on the post of EDBPM, Dola ka Bas, on the basis of his past working experience since 11.3.99 and on the basis he is fulfilling all the eligibility criteria.

2. Reply was filed. In the reply it is stated that the applicant failed to submit the property certificate of prescribed authority for possession of land and immoveable property in his own name. As the property was not in his name, the applicant was not found eligible for the said post. It is also stated in the reply that no weightage can be given for the experience gained by the applicant and it was specifically mentioned in the reply that since the applicant did not ~~xi~~ fulfil the eligibility criteria by not furnishing the documents pertaining to immoveable property in his own name, therefore, the applicant has no case better than respondent No.4 and this OA is devoid of any merit, which is liable to be dismissed.

Suraj

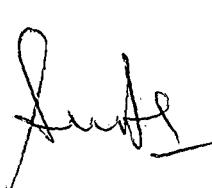
3. Admittedly, the applicant has participated in the process of selection. It is argued by the learned counsel for the applicant that respondent No.4 does not reside in the village where the Post Office is situated and the applicant has better claim than respondent No.4, who was selected.

4. Rule-3 of the E.D.Recruitment Rules provides that the person who takes over the agency ~~xxxxxxxxxxxxxx~~ as EDBPM/EDSPM must be one who has adequate means of livelihood. The person selected for the post of EDBPM/EDSPM must be able to offer space to serve as the agency premises for postal operation. The premises must be such as will serve a small Post Office with provision of installation of even a P.C.O. and such as shops etc. may be preferred. According to the rule framed, it is ~~xxxx~~ apparently clear that ~~xxxxxxxxxxxxxx~~ there is no requirement for E.D.Aagents to be a resident of the locality where the Post Office is situated. What is required is that a person selected must be able to offer space to serve as the agency premises for Postal operation. The premises must be such as will serve as

Shah

small Post Office with provision of installation of even a PCO. In the circumstances, the person who takes over the charge as EDBPM/EDSPM must be one who has adequate means of livelihood. In the instant case, the applicant failed to produce the documents pertaining to ~~no~~ immovable property, as required by the department. Although an affidavit was filed later on but that does not serve the purpose. It was incumbent upon the applicant to file documents pertaining to immovable property showing his share in his own name but in the absence of any reliable/convincing proof to this effect the applicant was ~~marked~~ held to be ineligible for the post. On the contrary, respondent No.4 was selected ~~after~~ fulfilling all the eligibility criteria and, therefore, we do not find any infirmity in the selection of respondent No.4 on the post.

✓ As respondent No.4 is already working on the post since 13.5.2000, We do not find any infirmity in the impugned order and this OA is devoid of any merit, liable to be dismissed.


5. In view of the discussion above, we do not find any merit in the relief claimed by the applicant and this

OA is dismissed at the stage of admission with no order as to costs.

Gopal Singh
(GOPAL SINGH)
MEMBER (A)

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