

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

O.A. No. 147/2001
T.A. No.

199

DATE OF DECISION 27.9.02

On Prakash Koli

Petitioner

Mr. V.K. Mishra

Advocate for the Petitioner (s)

Versus

U.O.I. and three others

Respondent

Mr. B.N. Sandhu

Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. Justice G.L.Gupta, Vice Chairman.

The Hon'ble Mr. A.P. Nagrath, Administrative Member.

App'd in ^{26/9/02}
H.L.A
26/9/02

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH: JAIPUR

Original Application No. 147/2001

Om Prakash Koli
S/o Shri Ganga Ram
r/o Gram Naharpura,
Kotdi Loharvas,
via Khandela
Sikar Dist. : Applicant

rep. by Mr. V.K. Mishra : Counsel for the applicant

verses

1. Union of India through
the Secretary,
Government of India
Ministry of Communications,
Department of Post
Sanchar Bhavan,
New Delhi.

2. Post Master General,
Rajasthan, Jaipur

3. Superintendent of Post
Head Office, Sikar.

4. Bhiva Ram Saini
S/o Shri Ghasi Ram Saini
r/o Gram Rampura,
sub Tehsil Khandela
Sikar Dist. : Respondents.

rep. by Mr. B.N. Sandhu : Counsel for the respondents.

CORAM: The Hon'ble Mr. Justice G.L. Gupta, Vice Chairman

The Hon'ble Mr. A.P. Nagrath, Administrative Member.

Date of the order: 27.09.02

Per Mr. Justice G.L.Gupta,

ORDER

A notification inviting applications for
the post of Dak Pal was issued on 1.1.2001, by the
Superintendent of Post Offices, Sikar (the 3rd
respondent herein) wherein it was stated that the



candidates could send their applications by Registered Post along with required certificates within 31.1.2001. The post was not meant for reserved category candidates. The applicant also applied for the post. It is averred that he came to know about the notification on the last date of filing the applications and therefore he contacted R.3 to accept his application but R.3 did not accept the same and asked him to send the same through Registered Post. It is further averred that the applicant sent his application which is said to have reached the third respondent on 1.2.2001. It is also averred that R.3 has given appointment to R.4 though he had secured only 63% marks in the matriculation examination, whereas the applicant had secured 75.65% marks. Hence this O.A.

2. In the reply the respondents have denied that the applicant had approached the respondent No.3 on 31.1.2001 and he had refused to take his application. It is stated that the application sent by the applicant was received on 1.2.2001, after the closing date 31.1.2001. It is denied that respondent No. 4 was appointed because of favouritism. It is also stated that the Employment Exchange had been asked to sponsor candidates for the post and public advertisement was also issued and the public notices were sent to the Sarpanch, Gram Panchayat, Rampura BPM Rampura, Distt. Soldier Board, Sikar and Social Welfare Officer, Sikar, Inspector of Post Offices, Sikar for publication.



3. In the rejoinder, the applicant has reiterated the facts stated in the O.A. It is pointed out that in the Annex. A.2 last date for acceptance of the application was not stated.

4. Additional reply to the rejoinder has been filed by the respondents.

5. We have heard the learned counsel for the parties and perused the documents placed on record.

6. It is now admitted position of the parties that the application submitted by the applicant did not reach the office of the Respondent No. 3 within 31.1.2001. The averments that the applicant had personally gone to the office of R.3 on 31.1.2001 and wanted to hand-over the application but was not accepted by him, have been emphatically denied by the respondent No. 3 in the reply. The affidavit has been verified by the respondent No. 3 himself.

7. The fact remains that there was no occasion for the appointing authority to consider the case of applicant for appointment. It may be that the application of the applicant had reached the office of R.3 on 1.2.2001 but that did not give the applicant a right of consideration of his case for appointment.

8. As to the averment that no last date was mentioned in Annex. A.2, it may be stated that the said notice was not issued by the respondents.



Some information might have been stated by the Employment Exchange. Notice issued by the respondents (Annex. A.1) indicates in clear terms that the last date for submission of the application was 31.1.2001 and the applications should be sent by Registered Post. If the Employment Officer did not state the full information in the notice the respondents cannot be said to be at fault.

9. In our considered opinion the applicant does not have any case in his favour. Consequently the application is dismissed with no order as to costs.

Amfs
(A.P. Nagrath)
Administrative Member

G.L.Gupta
(G.L.Gupta)
Vice Chairman

jsv.