

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 24th July, 2001

OA No. 261/2001

Atma Ram Tyagi s/o Shri Radhey Shyam Tyagi r/o Village and Post Kishorepur, Tehsil Gangapurcity, Distt. Sawai Madhopur (appointed on the post of E.D.B.P.M., Pawta Gaddi).

..Applicant

Versus

1. The Union of India through Secretary to the Govt. of India, Department of Posts, Ministry of Communication, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur
3. The Superintendent of Post Offices, Sawai Madhopur Postal Division, Sawai Madhopur.
4. The Inspector of Post Offices, Hindon Sub Divisions, Hindoncity, Sawai Madhopur.

.. Respondents

Mr. Yogesh Kumar Sharma, counsel for the applicant

CORAM:

Hon'ble Mr. A.K.Mishra, Judicial Member

Hon'ble Mr. Gopal Singh, Administrative Member

ORDER

Per Hon'ble Mr. A.K.Mishra Judicial Member

The applicant has filed this OA challenging the order of the respondents at Ann.Al. By that order, the respondents have cancelled the selection of the applicant on the post of Extra Departmental Branch Post Master (E.D.B.P.M.) on the ground that he has failed to provide accommodation in village Pawta Gaddi for running the post office. The learned counsel for the applicant submits that vide

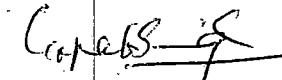
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Ann.A8 one Shri Prithvi Raj Meena has informed the respondents that his house is situated in the boundaries of both the villages i.e. Pawta Gaddi and Kishorepur. He has also expressed his willingness to let the house to the applicant for running the post office and in view of this, the Department ought to have ~~not~~ rejected the candidature of the applicant.

2. We have considered this aspect of the case. From the facts of the case, it appears that the applicant was appointed on the post of E.D.B.P.M. for running a post office in Pawta Gaddi. The basic condition of this appointment was that he will provide accommodation for running the post office in the same village. The Department, in spite of Ann.A8, has passed the order Ann.A1. There is nothing on record to support the contention of the applicant that the house of Shri Prithvi Raj Meena is situated within the abadi area of Pawta Gaddi. In this regard the Halka Patwari would have been the right person to have certified the situation of the house vis-a-vis the village, but this is missing in the instant case. It may be noted that the applicant was appointed for running the post office almost 7 months ago and he failed to provide the accommodation for such purpose, in spite of reminders, and in view of this, the action of the Department in cancelling the candidature of the applicant for such appointment cannot be treated to be arbitrary at this point. We are not convinced by the argument of the learned counsel for the applicant that the population of the village Pawta Gaddi is Muslim dominated and nobody is providing accommodation to the applicant for running the post office. This aspect ought to have been kept in view by the applicant before he had tried for his appointment for the post of E.D.B.P.M. and assuring the Department that he would be able to provide the accommodation for such purpose.

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3. In view of the foregoing discussions, the OA, in our opinion, has no merit and deserves to be dismissed and is hereby dismissed in limine.



(GOPAL SINGH)

Adm. Member



(A.K. MISHRA)

Judl. Member