

THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

O.A. No. 330/2002

200

T.A. No.

DATE OF DECISION _____

Mool Chand Raiger

Petitioner

Mr. Ganesh Meena

Advocate for the Petitioner(s)

Versus

Union of India & Other

Respondent

Mr. B.N. Sandu for R 1 to 3

Advocate for the Respondents(s)

Respondent No. 4 in person

CORAM:

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

The Hon'ble Mr. R.K. Upadhyaya, Member (Administrative)

(R.K. Upadhyaya)
Member (A)

(G.L. Gupta)
Vice Chairman

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 ?

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 11.07.03

OA 330/2002

Mool Chand Raiger s/o Shri Habooram r/o Village Bosana, Tehsil & District Sikar (Raj.).

... Applicant

Versus

1. Union of India through Secretary, Ministry of Postal Department, Sunder Bhawan, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Supdt., Post Office, Sikar Mandal, Sikar.
4. Gopi Chand Raiger s/o Shri Lalram r/o Village Rampura (Thoi), Teh. Srimadhapur, Distt.Sikar.

... Respondents

CORAM:

HON'BLE MR.JUSTICE G.L.GUPTA, VICE CHAIRMAN

HON'BLE MR.R.K.UPADHYAYA, MEMBER (A)

For the Applicant

... Mr.Ganesh Meena

For Respondents No.1to3

... Mr.B.N.Sandu

For Respondent No.4

... In person

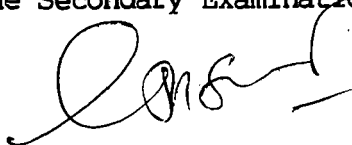
O R D E R

PER MR.JUSTICE G.L.GUPTA

Through this OA the applicant calls in question the appointment of respondent No.4 on the post of Gramin Shakha Dakpal, Bosana, vide order dated 10.7.2002 issued by respondent No.3.

2. The case for the applicant is that he had applied for the post of Gramin Shakha Dakpal, Bosana, as satisfied all the eligibility conditions; including that of income, property and education, yet respondent No.3 has given appointment to respondent No.4, who is not the permanent resident of Village Bosana and is a resident of Village Rampura, Tehsil Srimadhapur. It is stated that the documents submitted by respondent No.4 were forged and, therefore, his appointment is illegal and the applicant is entitled to be appointed on the post.

3. In the reply the respondents' case is that pursuant to the advertisement dated 21.5.2002 (Ann.A/1) eleven persons had applied for the post of Gramin Shakha Dakpal, and comparative statement (Ann.R-1/1) was prepared in respect of all the candidates. It is stated that respondent No.4 was selected on the basis of percentage of marks obtained by him in the Secondary Examination. It is also stated that the applicant had not



submitted any property certificate alongwith his application till the last date fixed for receipt of applications. It is further stated that respondent No.4 fulfilled all the requisite qualifications and it was not necessary that he owned a house in Village Bosana, as the requirement is that the candidate makes available a house in Village Bosana to run the post office. It is averred that respondent No.4 is living in a house in Village Bosana since the date of his appointment.

4. In the rejoinder, the applicant stated that the house alleged to have been taken on rent by respondent No.4 belongs to Mana Ram and he has filed an affidavit stating that Gopi Chand (Respondent No.4) was not living in his house.

5. In the reply to the rejoinder the facts stated in the reply have been reiterated.

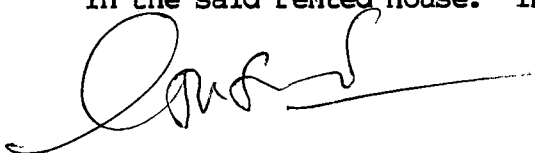
6. We have heard the learned counsel for the parties and perused the documents placed on record.

7. It is established from the documents placed on record that Gopi Chand (Respondent No.4) had secured 48.93% marks as against the marks obtained by the applicant i.e. 45.09%. Evidently on the basis of educational qualification respondent No.4 was more meritorious and the official respondents have not erred in selecting him for the post.

8. As to the property condition, the requirement is that the person selected for the post of EDSPM/EDBPM should be able to offer space for postal operations. The rules do not require that the premises should be owned by the person selected. There cannot be any objection if the person selected takes the premises on rent to run the post office.

9. It is required that the EDBPM/EDSPM should be a permanent resident of the village where the post office is located. However, this provision has been held to be violative of the provisions of the Constitution as it discriminates the candidates belonging to different places. There cannot be any objection if the candidate belonging to some other village applies for the post and thereafter makes available the space to run the post office.

9.1 Respondent No.4, after his selection, informed respondent No.3 that he had taken the premises on rent and the respondent No.3 was satisfied with his statement and the documents. The respondent No.4 started working in the said rented house. In our opinion, the official respondents cannot



be said to have faulted when they appointed respondent No.4 on the basis of the marks obtained by him.

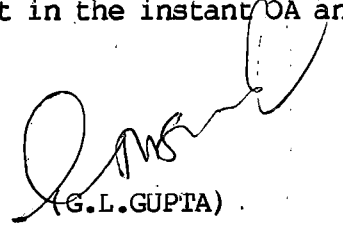
10. As to the contention that Mana Ram has filed an affidavit stating that he had not rented his house to respondent No.4, it may be stated that respondent No.4 had filed a document before respondent No.3 which was signed by Mana Ram stating that he had agreed to give his house to Gopi Chand. When respondent No.3 was satisfied with a document, this court cannot be justified in holding that the property condition was not satisfied by Gopi Chand. In any case, the official respondents if think proper may hold inquiry in the matter and take action against respondent No.4. This court however cannot cancel the appointment of respondent No.4 on the basis of the copy of the affidavit (Ann.A/11).

11. For the reasons stated above, we find no merit in the instant OA and dismiss it with no order as to costs.



(R.K.UPADHYAYA)

MEMBER (A)



(G.L.GUPTA)

VICE CHAIRMAN