

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,  
CIRCUIT COURT SITTING AT BILASPUR

Original Application No 734 of 2004

Jabalpur, this the 19<sup>th</sup> day of September, 2005.

Hon'ble Mr. M.P. Singh, Vice Chairman  
Hon'ble Mr. Madan Mohan, Judicial Member

Munnalal Jaiswal,  
S/o Shri Thakur Prasad Jaiswal,  
Aged about 36 years, R/o Village  
Post : Mehgai, Via-Lakhanpur,  
District Surguja (CG)

Applicant

(By Advocate – Shri S.Paul)

**VERSUS**

1. Union of India,  
Through its Secretary,  
Ministry of Communication,  
Department of Post,  
New Delhi.
2. The Chief Post Master General,  
Chhattisgarh Circle, Raipur (CG).
3. The Assistant Director (Vig)  
O/o Post Master General,  
Chhattisgarh Circle, Raipur (CG).
4. Superintendent of Post Offices,  
Raigarh Division, Raigarh.

Respondents

(By Advocate – Shri S.P.Singh)

**ORDER(Oral)**

**By Madan Mohan, Judicial Member –**

By filing this Original Application, the applicant has sought the following main reliefs :-

“(ii) Set aside the impugned order dated 25.5.2004  
(Annexure-A/1).



(iii) Command the respondents to continue the applicant as if the aforesaid order dated 25.5.2004 is never passed."

2. The brief facts of the case are that a notification dated 23.10.2001 was issued by the respondent no.4 inviting the application for the post of Gramin Dak Sevak Branch Post Master (for short 'GDSBPM'). In pursuance to the said notification, the applicant submitted his application for the aforesaid post. After scrutinizing the name of the candidates, the applicant was found eligible for the aforesaid post and he was appointed vide order dated 10/11.9.2001 (Annexure-A-2). According to the applicant he has received a notice dated 25.5.2004 (Annexure-A-1) issued by the respondent No.3 wherein it has been mentioned that at the time of issuance of the notification dated 23.10.2001, he was holding the post of Panch in village Panchayat and a criminal case was also pending against him in the Criminal Court. Therefore, as per the aforesaid notification the applicant was not eligible to be appointed as GDSBPM. The applicant has submitted his reply stating that before issuance of the notification, he had submitted his resignation from the post of Panch. The resignation of the applicant was accepted by the Village Panchayat on 14.4.2001 and further submitted that a false criminal case has been lodged against him wherein he has been falsely implicated. However, the case is still pending. The impugned show cause notice Annexure-A-1 is ultra vires in nature. Hence, this OA.

3. Heard the learned counsel for the parties and carefully perused the records.

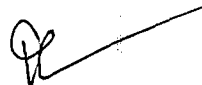
4. The learned counsel for the applicant argued that he has not concealed any facts as alleged by the respondents, neither he was Panch any Panchayat at the time of issuance of notification dated 23.10.2001 nor he has committed any crime. However, a false criminal case was lodged against him wherein he has been falsely



implicated, which is still pending. The learned counsel for the applicant further argued that the show cause notice Annexure-A-1 was issued by the respondents against the law and is liable to be dismissed.


4. In reply, the learned counsel for the respondents argued that the applicant has not stated anywhere about his registered criminal case and has also not disclosed that he is a member of Gram Panchayat i.e. Panch or Sarpanch. The applicant appeared before the Selection Committee and he was selected. Accordingly the appointment order was issued in favour of the applicant on 10/11/9.2001. The learned counsel for the respondents further argued that on verification it was found that the applicant is a member of the Gram Panchayat Mahgai "Panch" and also a criminal case is registered against him. Therefore, as per provision laid down in Rules 4(3) of GDS (C&I) Rules 2001, records of the applicant's case was called by the competent authority and while reviewing the selection proceedings of GDS Branch Post Master, Mahgai, District Raigarh it was observed that the applicant was holding the post of Panch of Gram Panchayat, Mahgai on the date of submitting his application for the selection/appointment. A police case under crime No. 77/91 was pending against him on that date. The applicant without waiting for the decision of the competent authority has rushed in this Tribunal and filed the present OA, which is not maintainable and is being premature and, therefore, is liable to be dismissed.

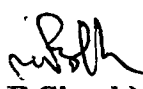
5. After hearing the learned counsel for both the parties and on careful perusal of the records, we find that the notification dated 23/10.2001 was issued by the Postal Department and in its para 4 it is clearly mentioned that the character of the candidates should be best and no criminal case should have been registered against him in any police station and para 5 of the said notification stated that the candidates should not be related to any political parties and also not ~~entitled for~~ <sup>be</sup> the post of Panch or Sarpanch. We find that the applicant has mentioned in the present OA that he has submitted his resignation



from the post of Panch, which was accepted on 14.4.2001, however he has accepted that a criminal case registered against him which is still pending. He has also alleged that he was falsely implicated in the criminal case. The applicant has submitted his application for the post of GDSBPM in pursuance to the aforesaid notification, but he has concealed the fact of his criminal case which is still pending. We have perused the Annexure-R-1 wherein it is clearly mentioned that a criminal case No.77/91 is pending against the applicant. Hence, the applicant has not complied with all the instructions contained in the notification dated 23.10.2001. We also find that the Annexure-A-1 is a show cause notice and not a termination order. The applicant has not waited for some time for passing of any order and before passing any order he has immediately rushed to this Tribunal. Hence, this OA is premature and is liable to be dismissed.

6. Considering all the facts and circumstances of the case, the present OA is bereft of merits. Accordingly, the same is dismissed and we have vacated our order dated 10.9.2004. No costs.

  
(Madan Mohan)  
Judicial Member

  
M.P. Singh  
Vice Chairman

Skm

पृष्ठांकन सं ओ/व्या.....जयलपुर, दि.....

पंक्तिजिपि जयलपुर

(1) सचिव, जयलपुर

(2) अगुआ की/डी. जयलपुर

(3) प्रतारकी की/डी. जयलपुर

(4) कर्मचारी की/डी. जयलपुर

सूचना एवं आवश्यक कार्यवाही हेतु

11/11/05

J. Paul D.V. J.P.

J. P. Singh D.V. J.P.

Received  
11/11/05