

Central Administrative Tribunal  
Jabalpur Bench

OA No.864/04

Indore, this the 19<sup>th</sup> day of August, 2005.

C O R A M

Hon'ble Mr.M.P.Singh, Vice Chairman

Hon'ble Mr.Madan Mohan, Judicial Member

Manoj Kumar Jaiswal  
Son of Shri Swaminath Jaiswal  
R/o Village Sironja  
Post Office Rajendra Nagar Colony  
Via Budhar  
District Shahdol (MP)

Applicant

(By advocate Shri S.Nagu)

Versus

1. Union of India through  
Secretary  
Department of Posts  
Dak Bhawan, Sansad Marg  
New Delhi.
2. Director General Postal Services  
Dak Bhawan, Sansad Marg  
New Delhi
3. Chief Post Master General  
Chhattisgarh Circle  
Raipur.
4. Superintendent of Post Offices  
Shahdol Division  
District Shahdol. Respondents.

(By advocate Shri P. Shankaran)

O R D E R

By Madan Mohan, Judicial Member

By filing this OA, the applicant has sought the following  
reliefs:



- (i) Quash the order dated 8.9.2004 (Annexure A9) issued by respondent No.3.
- (ii) Declare that the appointment of the applicant on the post of Gramin Dak Sevak Branch Postmaster with effect from 28.10.2002 is legal and valid in the eyes of law.
- (iii) Direct the respondents to grant consequential benefits to the applicant.

2. The brief facts of the case are that the applicant was appointed as GDS Branch Postmaster on 28.10.2002 after due process of selection. However, his appointment was cancelled vide order dated 31.10.2003 by respondent No.4 without assigning any reason and without affording him any opportunity of hearing. He preferred an appeal on 31.1.2004 before the Director, Postal Services, Raipur Circle. Without deciding the appeal, respondent No.4 issued a fresh notice on 11.11.2003 calling applications from open market to fill up the vacancy created by the termination of the applicant. Aggrieved, the applicant moved the CAT by filing OA No.465/2004, which was disposed of vide order dated 27.5.2004 directing the respondents to decide the appeal of the applicant. Thereupon, the respondents reinstated the applicant vide order dated 2.7.2004. Thereafter, a show cause notice was issued to the applicant on 26.7.2004 to explain why his appointment as GDS Dakpal, Rajendra Nagar Colony, Budhar be not cancelled. He submitted a detailed reply. However, without application of mind, the respondents vide impugned order dated 8.9.2004 cancelled his appointment. Hence this OA is filed.

3. Heard learned counsel for both parties. It is argued on behalf of the applicant that the initial recruitment of the applicant in 2002 was made after a thorough scrutiny and verification of the credentials of the applicant. The impugned order is vitiated as it ignores the fact that there was no complaint and there was no occasion to review the selection process at any point of time. He further argued that the attitude of the respondents had been revengeful from the very beginning. The services of the applicant are terminated without any reason and hence the impugned order is against rules and law.



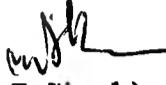
4. In reply, learned counsel for the respondents argued that on review, it was noticed that the selection made was not on merit i.e. the marks secured in the matriculation or equivalent examination as required under the rules. The applicant had secured 50.77% marks in matriculation whereas another candidate Shri Ram Sushil Patel had scored 68.80% marks and he being more meritorious, was eligible for appointment. Learned counsel of the respondents has drawn our attention towards Annexure A13 filed along with the rejoinder of the applicant. In its para 4 it is mentioned that the only criterian for the selection of GDS Sevaks is merit. It is further mentioned that before appointment, the employee shall acquire a residential accommodation. It is not necessary that the employee should be a resident of a particular village. It is also not necessary that the employee should have possessed his own residential accommodation in that very particular place where he is serving in the post office.

5. After hearing the learned counsel for the parties and perusing the records, we find that the applicant has secured 50.77% marks while another candidate has secured 68.80% marks in the matriculation examination. Apparently the latter has secured more marks. Hence on merit, he is more deserving candidate than the applicant. We have perused Annexure A13 in which the only criterian for selection of GDS Sevaks is mentioned as merit and it is nowhere mentioned that the employee should be a resident of that very particular village/town. We have also perused Annexure A9 the impugned order. It is a speaking, detailed and reasoned order. The applicant could not show any rule according to which it would have been necessary that the employee should ~~reside in~~ <sup>be</sup> the village where the post office is working or should posses his own house in that very village.



6. Considering all facts and circumstances of the case, we find that the OA has no merit. Accordingly, the OA is dismissed. No costs.

(Madan Mohan)  
Judicial Member

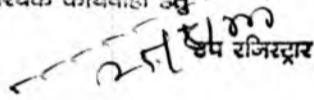
  
(M.P. Singh)  
Vice Chairman

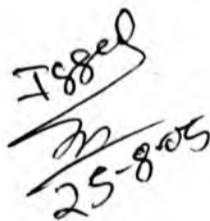
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प्रूलांकन सं. ओ/न्या.....जबलपुर, दि.....  
क दिनीकरि अलो दिता:-

- (1) विधित, उच्च व्यापाराधी यात्र एवं विद्युत, जबलपुर
- (2) उत्तरक शी/शीकरी, जु.....के वासना
- (3) उत्तरकी शी/शीकरी, जु.....के वासना
- (4) उत्तरपाल, योग्या, जबलपुर व्यापारी  
रामगंगा एवं आवश्यक चार्चाहानी बु

S. No. 94 Dated 2008  
P. Shyam Kumar  
Dated 2008



  
25-8-05