

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 324 of 2003

Bilaspur this the 24th day of November, 2004

Hon'ble Mr. M.P.Singh, Vice Chairman
Hon'ble Mr. A.K.Bhatnagar, Judicial Member

Vishnu Datt Nagar(SC)
Aged about 29 years
Son of Shri Kallu PD.Nagar
Occu. Branch Post Master Prakash
Bamhori Jujharnagar, Chhatarpur
Distt Chhatarpur(M.P.)

APPLICANT

(By Advocate - Shri N.S.Ruprah)

VERSUS

1. Union of India
Through Secretary
Department of Postal Services
New Delhi.
2. Supdt. of Post Office
Distt: Chhatarpur

RESPONDENTS

(By Advocate - Shri Om Namdeo)

O R D E R

By M.P.Singh, Vice Chairman-

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

"i. to quash the impugned order dated 13.5.2003 (Annexure A/5).

II. to direct the respondents to reinstate the petitioner with full backwages and consequential benefits."

2. The brief facts of the case are that the respondent-department had issued an advertisement for the post of Branch Post Master of Additional Branch Prakash Bamhori Jujhar Nagar, Chhatarpur. The applicant had applied for the said post. Due selection procedure was followed and the applicant was found fit and declared selected. Accordingly, an order of appointment was issued in his favour on 14.8.2002(Annexure-A-2). As per the appointment order it is clear that the appointment was to be continued till regular appointment against the said post is

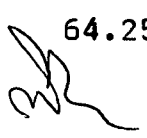


made. This was the only condition made in his appointment order. In compliance with the appointment order, the applicant joined his duties on 21.8.2002 and he was given the charge of Branch Post Master. However, the appointing authority had issued the first impugned order dated 3.2.2003 (Annexure-A-3) stating that the selection was against the letter dated 27.11.1997 and as to why his services be not terminated. Against the said order, the applicant made a representation stating that he was not at fault and it was the responsibility of the department to follow their own rules and circulars. Thereafter, the respondent no.2 issued the impugned order dated 13.5.2003 cancelling his appointment order on the ground of irregularities committed during selection. Aggrieved by these orders, the applicant has filed this OA, claiming the aforementioned reliefs.

3. The respondents in their reply have submitted that as per advertisement dated 25.6.2002 the post of Branch Post Master of Additional Branch Prakash Bamhori Jujhar Nagar Chhatarpur was advertised. The applicant submitted his education certificate and other documents along with his application form, but he did not file the character certificate as required under condition no.6 of the aforesaid advertisement. Further, in terms of the letter No.19-11/97 ED & TRG dated 27.11.1997 issued by the Assistant Director General(ED&TRG), Ministry of Communication, Department of Posts, New Delhi, the applicant does not fulfil the requisite criteria in entirety i.e. he has not submitted the character certificate from the competent authority, and also his marks in Matric Examination were less than one Shri Prabhudayal Singh. Therefore, the respondents reviewed the matter and the selection of the applicant has been cancelled.

4. Heard the learned counsel of parties and carefully perused the pleadings on record.

5. It is an admitted fact that the applicant has got less marks than Shri Prabhudayal Singh. The applicant has got 61.23% whereas the said Shri Prabhudayal Singh has got ² 64.25% marks in matriculation. The Lucknow Bench of the Tribunal



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in the case of Suman Singh Vs. The Chief Post Master General Lucknow and others, 2002(3) ATJ 124 has clearly held that the offer of appointment has to be given to the first place to a candidate who is first in merit and has secured the highest percentage of marks in the matriculation examination. The selection is, ^{therefore, 2} to be made on the basis of merit, Since the another person secured more marks in matriculation examination, he is the most deserving candidate for appointment to the post of Branch Post Master. The respondents have accordingly taken action to rectify the irregularities committed in the selection and cancelled the appointment of the applicant.

6. For the reasons recorded above, the OA is without any merit and accordingly dismissed. No costs.

(A.K. Bhatnagar)
Judicial Member

(M.P. Singh)
Vice Chairman

rkv

पृष्ठांकन सं ओ/पन्ना.....जबलपुर, दि.....

प्रतिनिधि का.....

- (1) सचिव, उच्च न्यायालय, जबलपुर
- (2) आवेदक श्री/श्रीमती/श्री.....के काउंसल *Ms. Ruprah Adv. 088*
- (3) प्रत्यक्षी श्री/श्रीमती/श्री.....के काउंसल *Ch. Karm Singh Adv. 088*
- (4) मध्यपाल, कोषागार, जबलपुर नगर मंडल
सूचना एवं आवश्यक कार्रवाई हेतु

उप रेजिस्ट्रार

Issued
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