

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

Original Application No.641/2003

~~Swatior~~ this the 23rd day of February, 2005

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

Thakeshwar Sahu, son of Shri
Brij Lal Sahu, aged about 28 years
resident of village-Tala Kurra,
Tehsil and District-Kanker,(C.G)
(Branch Post Master)at Post Office-
Tala Kurra.

Applicant's

(By Advocate – Smt. Indira Tripathi)

VERSUS

1. Union of India, through
Post Master General,
Head Office, Delhi.
2. The Postmaster General,
Chhattisgarh Parimandal, Raipur,(C.G.)
3. Post Superintendent,
Bastar Division, Jagdalpur,(C.G.)
4. Post Assistant Inspector,
Kanker, District-Kanker(C.G.)

Respondents

(By Advocate – Shri S.A.Dharmadhikari)

ORDER

By Madan Mohan, Judicial Member -

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

“9.1 The respondent No.3, may kindly be directed to issued the appointment order of the applicant on the post of Branch Post Master at Sub Post Office Tala Kurra

9.2 the action of the respondent No.4 is arbitrary and he has no right to relieved the applicant and taken over the charge of the post of Branch Post Master at Sub Post Office Tala Kurra.



9.3 the respondents may kindly be directed to continue the service of the applicant on the post of Branch Post Master at Sub Post Office Tala kurra.

9.4 the respondent No.3 and 4 may kindly be suitable punished and taken appropriate action against them.

2. The brief facts of the case are that the applicant was appointed as Sanchar Sewa Agent and since 30.1.97 the applicant has served the duty of sanchar Sewa Agent at Panchayat Sanchar Sewa Kendra, Tala Kurra, upto 9.3.2002. The respondent No.3 has invited applications for the post of Branch Post Master and the applicant has also submitted his application for the said post. In view of the public demand, the respondents opened a Branch Post Office at Tala Kurra and the opening ceremony has been fixed for 9.3.2002.(Annexure -A-3). The respondent No.3 on the date of opening of Branch Post Office at Tala Kurra handed over the charge of the said Branch Post Office to the applicant and according to instructions of respondent no.3, the applicant has honestly served his duties as a Branch Post Master. He opened 33 R.D Account of the Customers. The respondents No.3 and 4 had not issued any order of appointment. On 27.5.2002 the applicant has been relieved from the post of Branch Post Master, Sub Post Office Tala Kurra. He sent a letter through a Member of Parliament on 30.5.2002(Annexure-A-6) to respondent No.3. The respondent No.4 arbitrarily relieved the applicant on 28.5.2002 from the post of Branch Post Master, Tala Kurra and till date they have neither issued any appointment order nor allowed him to work on the aforesaid post while he has served on that post for about 5 years. The action of the respondents is absolutely unjust and illegal. Hence, this OA.

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

4. It is argued on behalf of the applicant that the applicant has served on the post of Branch Post Master of Sub Post Office at Tala Kurra for about 5



years and nothing has been adverse against him during the service period. The learned counsel for the applicant has drawn our attention towards Annexure-A-11 which is pay slips from 9.3.2002 to 27.5.2003 and also drawn our attention towards Annexure A-6. He has further argued that the applicant has been removed from service without giving any opportunity and also no appointment order has been issued to him so far. Hence, the action of the respondents is totally unjust and illegal.

5. In the reply, the learned counsel for the respondents has argued that a new Rural Development Branch Post Office, Tala kurra, was opened on 9.3.2002 and the charge of that post office was given to the applicant for the time being, till regular selected person joined there. For filling up the post, applications from OBC candidates have been invited vide notification dated 1.2.2002. In response to the aforesaid notification, 13 applications were received in which the applicant had also applied. The criteria for selection is based on marks secured in the matriculation or equivalent examinations as per Circular dated 20.4.1993(Annexure-R-1). The applicant had secured less marks than other candidates and, therefore, he could not be given an appointment. He was removed from the post of Inspector Kanker w.e.f. 27.5.2002. The post of Branch Post-Master, Talakurra, is presently vacant and the same is being managed by another Gramin Dak Sewak of nearby Branch Post-Office, in addition to his work. As the applicant had secured lesser marks, therefore, he was not issued the appointment order and the action of the respondents is just and appropriate. He was not issued any appointment order only for the reasons that he was not found fit for the post in comparison to other candidates. The applicant was never selected to the post of Branch Post-Master, Talkurra. But, in fact, he was asked to discharge his duties till regular selection. The learned counsel for the respondents has further drawn our attention towards Annexure-R-2 which is a mark sheet of the applicant, in which he had secured 311 marks while another candidate Jitendra Bharatdwaj had secured 346 marks. The applicant has secured lesser marks than Shri Jitendra Bhartdwaj. Hence, the action taken by the respondents is legal and justified.



6. After hearing the learned counsel for the parties and careful perusal of the records, we find that according to Annexure-R-1 dated 20.4.1993, the basic and essential qualification is the metric and we have perused the Annexure R-2, in which the applicant had secured 311 marks while another candidate Jitendra Bharatdwaj had secured 346 marks. The applicant had secured 35 less marks than Jitendra Bharatdwaj. The charge of the aforesaid post was given to the applicant for the time being, till regular selected person joined there. Hence, the respondents did not issued the appointment order in favour of the applicant. We have also perused Annexure-A-11, which also does not support the contentions of the applicant about his validity of appointment. Considering all the facts and circumstances of the case, we do not find any illegality committed by the respondents. The OA is liable to be dismissed. Accordingly, the same is dismissed. No costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

skm

पृष्ठांकन सं ओ/न्या.....जवलपुर, दि.....

पलिलिपि अर्जित:-

(1) सचिव, उच्च न्यायालय एवं प्रशासनिक, जवलपुर

(2) आवेदक श्री/श्रीमती/पु.....के काउंसल

(3) प्रत्यर्थी श्री/श्रीमती/पु.....के काउंसल

(4) न्यायालय, को.प.अ., जवलपुर जलपेट

सूचना एवं आवश्यक कार्यवाही हेतु

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Issued
On 1-3-05

Indira Kishore
Adv. B.S. 141842
S.D. Sharma
Adv. 202

131 उप रजिस्ट्रार