

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 668 of 2003

Jabalpur, this the 5th day of December, 2003

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri G. Shanthappa, Judicial Member

Madhur Mathur, S/o. Ganesh Prasad
Mathur, Aged about 28 years, Occupation-
Branch Post Master, Post Office Mangrol,
Tehsil Sabalgarh, District Morena M.P.
R/o Village and Post Mangrol, Sabalgarh,
District Morena (M.P.) .

... Applicant

(By Advocate - Ku. Malti Dadariya)

V e r s u s

1. Union of India, Through : Secretary,
Ministry of Post and Telegraph,
Sanchar Bhawan, New Delhi.
2. Post Master General, Indore
Region, Indore.
3. Superintendent of Post Offices,
Chambal Division, Morena District.
Morena (M.P.) .
4. Rajendra Prasad Sharma, Newly
appointed BPM, Mangrol,
Sabalgarh, Morena (M.P.) .

... Respondents

(By Advocate - Shri K.N. Pethia for official respondents)

O R D E R (Oral)

By G. Shanthappa, Judicial Member -

The applicant has sought the following reliefs :
lsp.

"(i) That, the order passed by respondent No. 3
(Impugned order of Annexure A dated 15.09.03) vide
no. A-304/Mangrol/Ch-4/03-04/Morena be quashed
directing the respondents to make the selection on
the basis of the material enclosed by the candidates
alongwith their application form on the date on which
the application forms were submitted.

(ii) Further the respondents No. 1 to 3 may
kindly be directed to issue the order of appointment
in favour of the applicant as the applicant is the
only meritorious candidate amongst all applied for the
post of Branch Post Master, Mangrol.

lsp.

(iii) While making the appointment, the respondents be further directed to give due weightage to the long experience of the petitioner on the post of Extra Department Branch Post Master since 1999 till date.

(iv) The appointment of the applicant may kindly be treated w.e.f. 15.09.2003 along with all consequential benefits like arrears of salary etc."

2. The official respondents have issued notification to fill up the post of Extra Departmental Branch Postmaster, at Post Mangrol. According to the notification dated 20.12.2000, the last date in respect of the receipt of the application was 20.01.2001 vide Annexure A-8. According to the said notification nine applications were received including the applicant and the respondent No. 4. Under the said notification certain documents are to be enclosed including the documents relating to the independent source of income and also the landed properties. The case of the applicant is that the respondent No. 4 and the applicant had submitted the application well in time enclosing the necessary documents, but the respondent No. 4 did not produced the certificate regarding independent source of income and the immovable property. After scrutiny of the documents the respondents had issued a letter to all the candidates to submit their certificate regarding landed property. Accordingly the candidates who had submitted their applications, have submitted fresh certificates as per the letter issued by the respondents.

3. The case of the applicant is that the official respondents are not supposed to receive the additional documents subsequent to the last date of the application.

Admittedly the respondent No. 4 has submitted his certifica

Subsequent to 20-1-2001,
te regarding the immovable property, Hence the candidature
of the respondent No. 4 shall be rejected. In the meanwhile
the applicant is qualified under the said notification and
he has to be selected.

4. Per contra the respondents have filed a detailed
reply and also the application of the applicant alongwith
the documents and also application of the respondent No. 4
alongwith the documents. They have also produced the merit
list Annexure R-1 alongwith the particulars of each and
every candidate. According to Annexure R-1 the column 13
shows about the individual property of each and every
candidate. The applications were received well in time. There
is no condition in the notification, that, the document will
not be entertained subsequent to the last date of receipt of
the application.

5. The respondents submitted that since the applicant is
not qualified the respondent No. 4 who has submitted the
certificate regarding immovable property has been selec-
ted. According to the merit, the respondent No. 4 is the
er
meritorious candidate who scored 59% and the applicant
scored 45%. Hence the applicant is not qualified. Even if
the respondent No. 4 is not qualified the another person
who is at serial No. 7 one Shri Ramlesh Kumar Sharma who
has scored 55% is above the applicant. Since the said next
merit candidate Shri Ramlesh Kumar Sharma is not a party in
this proceeding, we are not taking his candidature.

6. The dispute in this case is that accepting the
documents subsequent to 20th January, 2001 in pursuance to
the notification at Annexure A-8 is not proper. Hence we
found that there is no mistake in the selection process.

Gf.

7. Accordingly, the respondents are directed to scrutiny each and every candidature under the said notification and those who had submitted the documents and those who have complied the conditions of the notification as on 20.01.2001, shall be considered and merit list has to be prepared. According to the merit the respondents shall appoint the merit candidate for the post of EDBPM, Post Office Mangrol. Till the said selection process is completed the person who is working on the said post i.e. respondent No. 4 will continue to work on the post. The respondents shall complete the selection process within a period of two months from the date of receipt of copy of this order.

8. In view of the above observation the said Original Application is disposed of. No costs.

G. Shanthappa

(G. Shanthappa)
Judicial Member

M.P. Singh
(M.P. Singh)
Vice Chairman

"SA"

गुरुवार 20/12/2001 अवलम्बन, दि.....

(1) अवलम्बन, दि.....

(2) अवलम्बन, दि.....

(3) अवलम्बन, दि.....

(4) अवलम्बन, दि.....

Ku. Malati Daderiya Adv. JBP

Shri K. N. Pethia Adv. JBP

Thakore
अवलम्बन 9.12.03

11/12/03
9.12.03