

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

OA No.815/03

Bilaspur, this the 9th day of Sept. 2004.

C O R A M

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

Tejilal Charmakar
S/o Chhakoarhilar Charmakar
R/o Village Ghunwara
Teh. Maihar Dist.
Satna (MP)

...Applicant

(By advocate Shri Vinod Ahlawat)

Versus

1. Union of India through
Secretary
Deptt. of Posts and Telegraph
New Delhi.
2. Superintendent of Post Offices
Rewa Dist., Rewa.
3. Padam Shivhare
S/o Laxmi Prasad Shivhare
R/o Village Somra P.O
Somra Tah. Maihar Dist.
Satna.

...Respondents.

(By advocate Shri S.P.Singh)

O R D E R

By Madan Mohan, Judicial Member

By filing this OA, the applicant seeks the following
reliefs:

- (i) Cancel the appointment of Padam Shivhare as
Branch Dak Sevak.
- (ii) Direct the respondents to appoint the applicant
for the said post with all consequential benefits.

2. Brief facts of the case are that the respondent No.2
issued a notification dated 22.4.02 for appointment of
Dak Sevak (Rural) at Ghunwara. The post was reserved for
SC candidates and in case non availability of such
candidates, other candidates were liable to be considered.
Certain conditions were also prescribed for this post.

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Applicant preferred his application giving all details required by respondent No.2 and along with the said application the applicant has filed the required documents. Applicant was a fit candidate to be appointed as Branch Dak Sevak. He has passed 12th standard. He is having immovable property. He has registered himself in the employment exchange. One Padam Shivhare is a resident of Gram Panchayat Semra and as such he is not suitable candidate as per requirements of the notification Annexure A1. The said Padam Shivhare is also not a member of SC community. Selection of said Padam Shivhare as Branch Dak Pal (Sevak) is illegal and arbitrary. Hence the OA is filed.

3. Heard learned counsel for both parties. It is argued on behalf of the applicant that the applicant has applied for the post in question with all the requisite documents. He has fulfilled all the conditions prescribed by the respondents, such as qualification, character, registration with employment exchange etc. but ignoring all these factors, one Padam Shivhare is considered and appointed by the respondents on the said post while he does not belong to SC community.

4. In reply, it is argued on behalf of the respondents that the applicant had not annexed the certificate of immovable property along with his application and hence his application was not considered. The applicant submitted this document after the last date of the submission of application i.e. after one month of the last date of the submission of applications. Hence he was not appointed. On the other hand, Padam Shivhare has fulfilled the conditions laid down in the notification and therefore he was selected as B.P.M. Hence the respondents have not

committed any irregularity or illegality in their action.

5. After hearing learned counsel for both parties and careful perusal of the records, we find that the applicant belongs to SC community and he moved an application for appointment as Branch Dak Pal, with all the requisite documents and he has also filed documents to the effect that he has immovable property. Though these documents were filed about one month after the last date of receipt of applications for the said post, but the condition that the applicant possesses immovable property is not a legal requirement. Hence if the applicant failed to produce that certificate, it should not have deprived him of due consideration for the said post. Respondent No.3 Padam Shivhare is said to belong to OBC community while the applicant belongs to SC community. Hence the applicant should have been considered for the said post.

6. In the interest of justice, we deem it appropriate that the applicant shall submit a representation to the respondents within a period of one month from today and if he complies with, then the respondents shall consider the representation, in accordance with rules, within a period of three months from the date of receipt of the representation.

7. The OA is disposed of as above. No Costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

पृष्ठांकन सं. ओ/न्या.....जबलपुर, दि.....
प्रतिलिपि अन्वेषितः—
(1) सचिव, उच्च न्यायालय लार एसोसिएशन, जबलपुर
(2) आदेतक श्री/श्रीमती/कु.....के काउंसल
(3) प्रत्यर्थी श्री/श्रीमती/कु.....के काउंसल
(4) ग्रंथपत्र, केप्रा. जबलपुर न्यायपीठ
सूचना एवं आवश्यक कार्यकारी हेतु

Minoo AWANU
SP Singh
A K Tiwari

CCW
अप्र. नियंत्रित

Issued
On 14-9-07
BB