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CENTRAL ADMINISTRATIVE TRIBUNAL JA BALPUR BENCH
CIRCUIT CAMP: BILASPUR (CHHATISGARH)

Original Application No.217 of 2001

day of
Bilaspur, this the 26th September, 2003

Hon'ble Shri Justice V.S Aggarwal, Chairman
Hon'ble Shri Anand Kumar Bhatt, Administrative Member

Raghunath Singh s/o Shri
Guharam Kurmi, 32 yrs
Branch Post Master, Tirga Post Office
Tirga, Distt. Durg, R/o Village
Tirga, Distt. Durg.
(Applicant in person)Applicant

Versus

1. The Union of India, through the
Secretary Deptt. of Posts and Telegraph
New Delhi.
2. The Director of Postal Services Government
of India, New Delhi.
3. The Head Post Master, Post Offices,
Durg.
4. The Head Post Master, Post Offices,
Durg.
5. The Chief Post Master General,
Chhattisgarh, Parimandal, Raipur. Respondents

(By Advocate - Shri Om Namdeo on behalf of Shri B.d.a.Silva)

O R D E R (Oral)

Justice V.S. Aggarwal -

An advertisement had appeared for provisional appointment of Extra Departmental Branch Post Master. Deserving candidates were required to file the application. The applicant alongwith others had filed the application and thereafter according to the applicant he was appointed. He started working as Extra Departmental Branch Post Master in his own house. The grievance of the applicant is that he has been removed from the said post illegally. There was no irregularity in his appointment and therefore the impugned order setting aside his appointment should be quashed.

2. The application has been contested by the respondents.
3. It is admitted that several applications have been

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filed and thereafter the applicant had been so appointed. Initially he was appointed on provisional basis and regular appointment was issued on 12.05.2000. A complaint was received from one Shri Shailendra Singh Deshmukh indicating that he has scored more marks than the applicant and therefore his case should have been forwarded for verification and consideration. The appointment of the applicant was cancelled after giving an opportunity of hearing.

4. The applicant has appeared in person.

5. We have heard the applicant as well as the respondents learned counsel.

6. It has not been disputed at either ^{end} hand that as per the instructions that has been laid down the marks secured by the candidate in the matriculation is a major consideration while selecting the said person besides other conditions have to be satisfied. The applicant does not dispute that the complainant had secured more marks than the applicant. His grievance is that once the letter of appointment is issued and he had been made regular he could not be removed in this process.

7. We are in difficulty to subscribe to the said contention. Once the mistake is detected, in that event after following the procedure the same can always be rectified. In the present case a show cause notice was served on the applicant and after giving opportunity only the impugned orders have been passed. In such situation the above said contention therefore loses its thrust and significance. We have no hesitation in rejecting the same.

8. Resultantly, we feel that the cancellation of the applicant's appointment cannot be termed as invalid.

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9. Accordingly the Original Application is dismissed.

Anand Kumar Bhatt
(Anand Kumar Bhatt)
Administrative Member

V.S. Aggarwal
(V.S. Aggarwal)
Chairman

"SA"

कृष्णगढ़ सं. ओ/न्या..... जवलपुर, दि.....
र. एडमिनिस्ट्रेशन अम्बेडकर

(1) अम्बेडकर अम्बेडकर नाम सुनीलकुमार जवलपुर

(2) अम्बेडकर अम्बेडकर नाम रमेश जवलपुर

(3) अम्बेडकर अम्बेडकर नाम रमेश जवलपुर

(4) अम्बेडकर अम्बेडकर नाम रमेश जवलपुर

सुनील एवं अम्बेडकर कायरिंग एन्ड

Applicant

R. N. Singh, D. M. G.

Om Pramdeo, G. B. A.

M. N. Aggarwal
6/10/03

Received
7/10/03