

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 511 of 1998

Jabalpur, this the 2nd day of July 2003.

Hon'ble Mr. D.C. Verma, Vice Chairman (Judicial)
Hon'ble Mr. Anand Kumar Bhatt, Administrative Member

Arvind Kumar Tripathi,
aged about 22 years
son of late Shri Dwarika
Prasad Tripathi,
resident of Village Gubra Kalan,
P.S. Belkheda, Tahsil Patan,
District Jabalpur M.P.

APPLICANT

(By Advocate - None)

VERSUS

1. Union of India, through the Secretary
Department of Posts, Govt. of India,
New Delhi.
2. Senior Superintendent of Post Offices,
Jabalpur Division, Jabalpur M.P.
3. Dilip Singh Thakur, resident of
Belkheda, Tah. Patan, District
Jabalpur M.P.

RESPONDENTS

(By Advocate - Shri S.C. Sharma for respondents 1 & 2)

O R D E R (ORAL)

By D.C. Verma, Vice Chairman (Judicial) -

By this Original Application the applicant is challenging the appointment of respondent No. 3 on the post of Extra Departmental Branch Post Master (in short EDEPM) of Branch Post Office Gubra Kalan.


2. The grounds taken to challenge the appointment of respondent No. 3 is that the applicant is not a permanent resident of village ~~Gubra~~ Kalan, but of village Belkheda. The name of respondent No. 3 also finds in the voter list of village Belkheda. Consequently on the ground of residence the appointment of respondent No. 3 is not valid.

3. The submission of the learned counsel for the respondent is that as per the rules under the Extra Departmental Postal Staff, 1964 and as per the

* 2 *

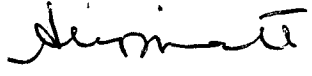
Notification dated 17.10.1997 by which the post was notified there was no requirement that the candidate should be a permanent resident of any particular village. The only requirement was that a person who is appointed must provide accommodation for use as post office. In this connection the relevant instruction is contained in Section IV of EDA conduct & Service Rules under heading 'Method of Recruitment'. Para 3 is in respect of income and ownership of property. In para 3 it is mentioned that a person who takes over the agency must be one who has an adequate means of livelihood. The person selected for the post of EDBPM must be able to offer space to serve as the agency premises for postal operations. Para 4 is in respect of permanent resident of the candidate for the post of EDBPM. However this provision has been held ultra vires by various decisions. Consequently in 1993 a circular was issued by D.G. P&T wherein it is specifically mentioned that in the light of the various decisions of the Central Administrative Tribunal it is not necessary for a candidate to be a permanent resident in respect of Extra Departmental posts. Thus looking to the provisions contained in para 3 the only requirement is that the person who is selected for the post of EDBPM must be able to offer space to serve as the agency premises for postal operations. Thus necessity of being a permanent resident of the village in which the post office is situated is not required.

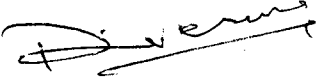
4. The applicant and respondent No. 3 was considered alongwith others and respondent No. 3 was found most suitable for the post and was accordingly selected and



* 3 *

posted. No other ground to challenge the appointment of respondent No. 3 has been made out. Accordingly the Original Application is dismissed. No costs.


(Anand Kumar Bhatt)
Administrative Member


(D.C. Verma)
Vice Chairman (J)

"SA"

पृष्ठान्कन सं ओ/न्या.....जबलपुर, दि.....
पतिलिपि अग्रे भिजाने

(1) सचिव, उच्च न्यायालय, जबलपुर

(2) आवेदक


(3) प्रत्यक्षी

(4) कार्यवाही, जबलपुर

सूचना एवं आचार्य

mx Verma

SC Sharma


11-7-07

Fauz
my
10/7/07