

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH  
JABALPUR

Original Application No.601 of 1998

Jabalpur, this the 1st day of September, 2003

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

1. Achhelal Patel s/o Shri Ramsiya Patel,  
aged 28 years R/o Village & P.O.  
Tarmadesh Tah.Gurh.District:Rewa(MP).

2. Vishwanath Patel s/o Awadhilal Patel  
aged 24 years R/o Village & P.O.  
Tamaradesh Tah.Gurh District-Rewa(MP) -APPLICANTS  
(By Advocate - Shri Midhish Patel holding  
brief of Shri R.P.Tiwari)

Versus

1. Union of India through the Secretary,  
Department of Post, New Delhi.

2. Chief Post Master General, Bhopal.

3. Sub-Divisional Inspector, Post Office  
Rewa, District-Rewa(MP).

4. District Employment Officer, District  
Employment Office, Rewa(MP).

5. Mahendra Prasad Mishra, s/o Jagjivan  
Prasad, Mishra(Dak Vitark), Post Distributor  
Village & P.O.-Tamaradesh Tah.Gurh,  
District-Rewa(MP).

6. Arunesh Kumar Patel s/o Rajmani Patel,  
Postman(Dak Vahak) Village & Post Office,  
Tamaradesh Tah.Gurh, District-Rewa (MP) -RESPONDENTS

(By Advocate - Shri S.A.Dharmadhikari)

O R D E R (Oral)

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

By this O.A. the applicants have prayed for  
quashing of the appointment of respondent no.5  
Mahendra Prasad Mishra on the post of Dak Vitark  
(for short 'EDDA'), and of respondent no.6 Arunesh  
Kumar Patel on the post of Dak Vahak(for short 'EDMC')  
The applicants have also claimed appointment in  
pursuance to quashing of the appointment of private-  
respondents.

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2. The official-respondents have filed their reply. The respondent no.4 i.e. the District Employment Officer has filed a separate reply.

3. The facts, in brief, are that one Ram Kishore Verma EDMC, Tamradesh (Manikwar) Rewa was transferred to Duari Branch Post Office vide order dated 1.5.1998. Rajmani Dubey, EDDA, Tamradesh was appointed as EDBPM, Duari. The post of EDDA fell vacant due to transfer of Rajmani Dubey. The post of EDMC was temporarily vacant. The two vacancies were notified and names were invited from the Employment Exchange. Five names were forwarded including the two applicants and respondent no.5 Mahendra Prasad Mishra. The respondent no.6 Arunesh Kumar Patel applied directly for the post of EDMC. After selection, respondent no.5 was appointed as EDDA and respondent no.6 was temporarily engaged as EDMC. The two applicants have challenged the appointments of two private-respondents and have claimed their own appointments.

4. The official-respondents' case is that respondent no.5 Mahendra Prasad Mishra was found more suitable so he was appointed. With regard to respondent no.6, the official-respondents' case, as per para 13 of the reply, is that appointment of respondent no.6 Arunesh Kumar Patel was of a temporary nature to fill up a short term vacancy for and on account of transfer.

5. Counsel for the parties have been heard at length.

6. A departmental selection file has also been examined by us. Comparative marks obtained by the applicant no.1 Achhelal Patel and private-respondent no.5 Mahendra Prasad Mishra have also been seen by us. The applicant no.1 Achhelal Patel has secured 58% marks in the 8th class

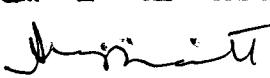
whereas respondent no.5 Mahendra Prasad Mishra has secured 75% marks in the 8th class. Consequently, appointment of respondent no.5 Mahendra Prasad Mishra to the post of EDDA is on merit.

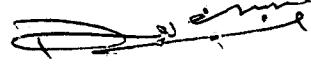
7. The submission of the learned counsel of the applicant is that as per the year of registration with the Employment Exchange the two applicants' registration were earlier in date i.e. of 1994 and 1995, whereas the registration with the Employment Exchange of respondent no.5 is of 1996. The submission is that the applicants who were registered earlier should have been given preference for appointment.

8. The submission of the learned counsel of the applicants with regard to appointment with reference to registration with the Employment Exchange is totally misconceived and without any merit. Earlier registration with the Employment Exchange do not carry any weightage with regard to appointment which is to be made with respect to the eligibility criteria for the post and on merits.

9. With regard to appointment of Arunesh Kumar Patel, as has been mentioned earlier he has been appointed only on a short term vacancy. Consequently, It was not a regular selection. Whenever the post occupied by Arunesh Kumar Patel is notified, it would be open for the applicant/s to apply for the same as per rules.

10. Accordingly, this O.A. has no merit and the same is dismissed. Costs easy.

  
(Anand Kumar Bhatt)  
Administrative Member

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