

**THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR  
ORDER SHEET**

( APPLICATION NO.: 171/2007 )

Applicant(s)

Respondent (s)

Advocate for Applicant (s)

Advocate for Respondent (s)

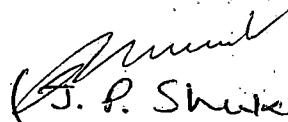
NOTES OF THE REGISTRY


ORDERS OF THE TRIBUNAL

27-2-2007

Mr. Tanveer Ahmed Proxy counsel for  
Mr. Darsen Shri Verna counsel for applicant

Heard. The OA has been  
dismissed by a separate order.

  
(J. P. Shukla)  
Administrative Member

  
(M. K. Gupta)  
Judl. Member

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

OA No.171/2006.

Jaipur, this the 27th day of February, 2007.

**CORAM : Hon'ble Mr. M. K. Gupta, Judicial Member.**  
**Hon'ble Mr. J. P. Shukla, Administrative Member.**

Ram Ratan  
S/o Shri Laxman Phadiya,  
Aged about 26 years,  
R/o village & Post Soda,  
Tehsil Malpura,  
District Tonk (Raj.)

... Applicant.

By Advocate : Mr. Tanveer Ahmed proxy counsel for  
Mr. Darshan Shri Verma.

Vs.

1. Union of India through  
Its Secretary,  
Department of Posts,  
Government of India,  
New Delhi.
2. The Chief Post Master General,  
Rajasthan Circle,  
Sardar Patel Marg,  
Jaipur.
3. The Senior Superintendent of Post Offices,  
Jaipur Division,  
Jaipur.
4. The Superintendent of Post Offices,  
Tonk Division,  
Tonk,
5. Shri Manoj Kumar Jain  
S/o Shri Ramesh Chand Jain,  
R/o Village & Post Soda,  
Tehsil Malpura,  
District Tonk (Raj.)

... Respondents.

## : O R D E R (ORAL) :

The applicant in the present application challenges the appointment of Respondent No.5. Amongst various grounds urged, one of the ground urged is that Respondent No.5 "is unmarried having questionable character, therefore, the appointment of Shri Manoj Kumar Jain on such a post is not in the interest of public". Thus, the challenge made to said appointment of Respondent No.5 in the present application basically assumes as if this Tribunal is dealing with public interest litigation. Repeatedly, it has been held by the Hon'ble Supreme Court that the Tribunals cannot entertain a petition in the garb of service matters where appointment is challenged on such grounds. If the appointment to a post, which could be civil or otherwise is not as per the law and the rules laid down on the subject, a remedy is different, but not questioning the appointment in such a manner, which is unknown to law.

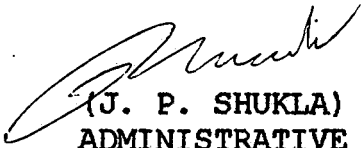
2. Moreover, the applicant's case is that the villagers had also made a complaint against the appointment of Respondent No.5 to the Hon'ble Minister as well as to the concerned Authorities. The Respondent No.4, namely, Superintendent of Post Offices, Tonk Division, had not inquired into the matter or character of such respondent who is a "person of quarrel-some nature and against whom

proceedings were initiated under Section 107/117 of Cr.P.C. are pending before the Court of Assistant Collector, Execution Magistrate, Malpura, on the complaint of SHO, Police Station Diggi, District-Tonk". The Appointing Authority, as per rules and law alone is required to satisfy itself whether a person deserves to be appointed on a civil post or not? These questions cannot be raised in the manner in which it has been done in the present application, which basically takes the colour of Public Interest Litigation, Learned Counsel for the applicant, at this stage, seeks a direction to respondents to consider his representation and decide the same.

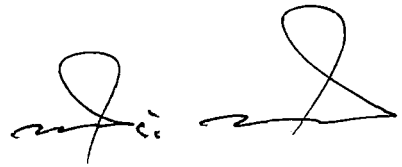
Courts/Tribunal cannot issue directions and orders to consider a representation particularly when the same are not filed within the prescribed time limit. Nor such direction can confer a proper cause of action. If the applicant has a grievance, he will be at liberty to make another appropriate representation to the concerned authority, but this Tribunal's order will neither furnish a cause of action nor a jurisdiction to entertain such representation, if any made.

3. In the circumstances, we do not find any merit or justification in the present OA particularly in the present form and accordingly the same is dismissed in view of the provisions of Section 19(3) of the

Administrative Tribunals Act, 1985 at the admission stage, without issuing any notice.



(J. P. SHUKLA)  
ADMINISTRATIVE MEMBER



(M. K. GUPTA)  
JUDICIAL MEMBER

P.C./