

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

ORIGINAL APPLICATION NO. 170/00807/2016  
DATED THIS THE 08<sup>TH</sup> DAY OF SEPTEMBER, 2017

HON'BLE DR. K.B. SURESH, MEMBER (J)  
HON'BLE SHRI PRASANNA KUMAR PRADHAN, MEMBER (A)

Mohd. Jafar Bagali,  
Aged 31 years,  
S/o Mehaboob Sab,  
Ex. GDS MC,  
Mosarkal SO,  
a/w Raichur HO,  
Residing at No. 7, N.Nagar,  
Raichur – 584 101

... Applicant

(By Advocate Shri B. Venkateshan)

Vs.

1. The Union of India & others,  
Reptd. By the Secretary,  
Department of Posts,  
Dak Bhavan,  
New Delhi – 110 001.
2. The Postmaster General,  
North Karnataka Region,  
Dharwad – 580 001.
3. The Superintendent of Post Offices,  
Raichur Division,  
Raichur – 584 101.
4. The Asst. Supdt. of Post Offices,  
Raichur Sub Division,  
Raichur – 584 102.

... Respondents

(By Shri S. Prakash Shetty, Senior Panel Counsel)

ORDER (ORAL)

DR. K.B. SURESH, MEMBER (J):

Heard. The matter is in a very small compass. Apparently the applicant was in the waiting list of 5 people wherein the applicant was No. 3. Shri Anjaneya with 72.80% marks was the first, Shri Md. Rahamathulla with 69.60% marks was the second, Shri Md. Jaffar Bagali, the applicant, with 69.28% marks was the third, Smt. Parvathi with 65.28% marks was the fourth and Shri Md. Yusuf Bagali with 65.12% marks is the fifth in the waiting list. Therefore apparently to the first person the respondents have issued a notice. In the reply they would say that there was another person Shri Nagarjuna who secured 73.76% marks who had reported for duty and then resigned and therefore Shri Anjaneya would have been given the chance normally. The case of the respondents is that somehow the GDS BPM at Maladkal BO willfully did not deliver the registered post to Shri Anjaneya so as to deprive him of the post so that the applicant could get the benefit of it. The applicant would say that Shri Rahamathulla was also offered appointment but then he declined. But then when Shri Anjaneya complained, the respondents conducted an enquiry into it and found that for no valid reasons the appointment order of Shri Anjaneya was not delivered to him and they found that there is malafide lurking in it. The applicant had apparently obtained an RTI information and would say that the signature given in the complaint of Shri Anjaneya is not the actual signature of Shri Anjaneya. We have no way of ascertaining it but since Shri Anjaneya had filed a complaint it was enquired into by the department and had found that the applicant had managed a malafide action by BPM not to serve the registered post delivery of appointment letter to Shri Anjaneya. We had been taken by the applicant through all these RTI documentations. We do not find any cause for the applicant in all these

documents. Therefore the department has acted correctly in removing the applicant and correcting the lacunae by offering the job to Shri Anjaneya. There is no merit in the OA. At this point of time Shri Venkateshan, learned counsel for the applicant, raises a new claim that the Disciplinary Authority has acted on the direction of a superior officer and terminated him. It is neither here nor there. When the complaint has come to their notice, it is their duty to do the correct thing and they have done the correct thing.

2. Therefore there is no merit in the OA. The OA is dismissed. No order as to costs.

(PRASANNA KUMAR PRADHAN)  
SURESH)  
MEMBER (A)

(DR. K.B.  
MEMBER (J)

/ksk/

**Annexures referred to by the applicant in OA No. 170/00807/2016**

**Annexure-A1:** Copy of applicant's SSLC marks card issued in May, 2012.

**Annexure-A2:** Copy of ASPO letter No. ASP/Mosarkal/Dlgs dated 25.04.2014.

**Annexure-A3:** Copy of ASPO letter No. ASP/Mosarkal/GDS/MC/Dlgs/15 dated 04.04.2015.

**Annexure-A4:** Copy of provisional engagement order No. ASP/Mosarkal/GDSMC/Dlgs dated 08.04.2015.

**Annexure-A5:** Copy of Aadhaar card issued to the applicant.

**Annexure-A6:** Copy of Karnataka Circle Postal Credit Co-op Society, Bangalore Fidelity Guarantee Bond of the applicant.

**Annexure-A7:** Copy of Post Master, HO letter No. A/AC-1/FG Bond/dlgs/2016 dated 07.03.2016.

**Annexure-A8:** Copy of SPOs, Raichur letter No. A/GDS/dlgs/2014 dated 06.07.2015.

**Annexure-A9:** Copy of applicant's letter of willingness

**Annexure-A10:** Copy of SPOs letter No. A/GDS/dlgs/2014 dated 22.07.2015.

**Annexure-A11:** Copy of Post Master, Raichur letter No. RCR HO/GDS/Engagement/2016 dated 01.08.2015.

**Annexure-A12:** Copy of ASPO, Raichur Sub Division letter No. B2/GDS MC/Trmn/Mosarkal SO/Dlgs/16 dated 04.07.2016.

**Annexure-A13:** Copy of Post Master, Raichur Service Certificate No. RCR HO/GDS/Engagement/Dlgs dated 06.07.2016.

**Annexures referred in the reply statement**

**Annexure-R1:** Copy of information in respect of candidates for selection to the post of GDS MC, Mosarkal SO.

**Annexure-R2:** Copy of representation of Shri Anjaneya S/o Shri Adivappa addressed to the Superintendent of Post Offices in kannada.

**Annexure-R3:** Translated copy of representation of Shri Anjaneya S/o Shri Adivappa addressed to the Superintendent of Post Offices.

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