

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00421/15**

Date of Order: 21.01.2019

C O R A M

**HON'BLE MR. JAYESH V. BHAIRAVIA, JUDICIAL MEMBER
HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER**

Manjeet Kumar Jha, Son of Dinanath Jha, Resident of Village- Haripur PO Motipur
Via Karjani Bazar, District- Supaul.

..... Applicant.

- By Advocate: - Mr. S.K. Tiwary

-Versus-

1. The Union of India through the Director General cum Secretary, Department of Posts, Dak Bhawan, New Delhi.
2. The Chief Postmaster General, Bihar Circle, Patna.
3. Postmaster General, Northern Region, Muzaffarpur.
- 3/1. The Superintendent of Post Offices, Saharsa Division, Saharsa.
4. The Assistant Superintendent of Post Offices, Supaul Sub Division, Supaul.
5. Kaushal Kumar Gupta, Son of not known working as GDSBPM, Motipur BO in account with Karjani Bazar SO, Supaul.

..... Respondents.

- By Advocate(s): - Mr. Bindhyachal Rai

O R D E R

[ORAL]

Per Dinesh Sharma, A.M.:- In this OA, the applicant has prayed for setting aside the appointment of respondent no. 5 Shri Kaushal Kumar Gupta on the post of GDSBPM, Motipur BO in account with Karjani Bazar SO in Saharsa Postal Division by an order of the Assistant Superintendent of Post Offices, Supaul Sub Division on 31.01.2014. Instead, he has requested for directing the respondent authorities to consider the claim of the applicant for appointment to this post along with all consequential benefits.

2. The respondents in their written statement informed that the appointment of respondent no.5 Kaushal Kumar Gupta has been terminated vide their office memo dated 01.04.2016 since they found his certificate/marksheet from a fake (unrecognised) Board. However, they have denied the claim of the applicant to be appointed to the same post since he stood very low in the comparative merit chart at 28th position.

3. We have gone through the pleadings and heard both the parties. The learned counsel for the applicant argued that while he has been pursuing his request, the others in the merit list have apparently not done so. Hence, it is only fair that his name be considered for the said vacancy. Under these circumstances, we consider it just to dispose of this case with a direction to the respondent authorities to consider the case of the applicant for appointment against this vacancy, if the post is still remaining unfilled and if no other person above him in the merit chart (Annexure A/2), having the requisite valid certificates in support of their qualification is still interested. No order as to costs.

**[Dinesh Sharma]
Administrative Member
Sr. K.**

**[Jayesh V. Bhairavia]
Judicial Member**