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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

ORIGINAL APPLICATION NO.138 OF 1987.

Date of decision : December 1, 1987.

Sri Biranchi Narayan Das,
aged about 27 years, son of
Surendranath Das, At/P.O. Athantara,
Via-Balipatna, District-Puri.
at present working as Branch Post-Master,
Athantara I.D.B.O., At/P.O. Athantara,
Via-Balipatna, District-Puri. ...

Applicant.

Versus

1. Union of India represented by its
Secretary, Department of Posts,
Dak Bhawan, New Delhi.
2. The Post-master General,
Orissa Circle, At/P.O.
Bhubaneswar 751001, Dist-Puri.
3. Senior Superintendent of Post Offices,
Bhubaneswar Division,
Bhubaneswar-751 001, Dist-Puri.

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Respondents.

For the applicant ...

M/s. Deepak Misra,
R.N. Naik, Advocates

For the Respondents ...

Mr. A.B. Mishra,
Senior Standing Counsel
(Central)

C O R A M :

THE HON'BLE MR. B.R. PATEL, VICE-CHAIRMAN

A N D

THE HON'BLE MR. K.P. ACHARYA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? NO.
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

JUDGMENT

K.P.ACHARMA, MEMBER (J)

In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays for directing Respondent No.3 namely the Senior Superintendent of Post Offices, Bhubaneswar Division for issuing a regular order of appointment in favour of the applicant pursuant to Annexure-3.

2. Shortly stated, the case of the applicant is that the post of Extra-Departmental Branch Postmaster, Athantara fell vacant. Due to such vacancy, the competent authority directed the present applicant to hold the said post and discharge his duties as such and accordingly vide Annexure-2 dated 7th October, 1986 the present applicant took charge of the Office of the Extra-departmental Branch Postmaster, Athantara Branch Office. While the applicant was working as such, the Employment Exchanges ^{official} at Bhubaneswar and Puri were asked to sponsor the names of the candidates willing to be appointed to such post and the competent authority had the intention to make a regular appointment. In compliance to the requisition issued by the appropriate authority the Employment Exchanges sponsored certain names and the Superintendent of Post Offices selected the applicant. No regular order of appointment having been issued, the applicant has come up with this application for issuance of directions mentioned above.

3. In their counter, the respondents maintained that true it is that the Employment Exchanges at Bhubaneswar and

Puri were asked to sponsor the names of candidates willing to serve in the said post and accordingly, the Employment Exchange, Bhubaneswar sponsored the names of eight candidates including the present applicant. The candidature of five persons was rejected due to certain reasons and ultimately the present applicant was provisionally selected for the post of Extra-departmental Branch Post Master, Athantara on 24.9.1986 and he took charge in the forenoon of 7th October, 1986. Further case of the respondents is that in the meantime the other candidate, Shri Basudev Tanti lodged a complaint before the Post Master General, Orissa Circle, Bhubaneswar on 21.12.1986 alleging that there was irregularity committed by the Senior Superintendent of Post Offices in the matter of selection of the present applicant. Because not only the said Basudev Tanti was a Matriculate whereas the present applicant had passed the Class X but the income shown by the said Basudev Tanti was Rs.8,000/- whereas the income shown by the present applicant was Rs.5,500/-. Considering the complaint lodged by the said Basudev Tanti the Post Master General, Orissa Circle, vide Annexure-R-13 cancelled the provisional selection of the applicant and rightly ordered appointment of the said Basudev Tanti. According to the respondents, the order passed by the Postmaster General, Orissa being legal, equitable, just and proper, it should not be unsettled.

4. We have heard Mr. Deepak Misra, learned counsel for the applicant and learned Senior Standing Counsel (Central), Mr. A. B. Mishra, at some length. Learned Senior Standing

Counsel (Central) invited our attention to the check sheet vide Annexure-R-14. Therefrom we find that the educational qualification mentioned against the present applicant, Sri Biranchi Narayan Das is that he has passed Class X whereas Shri Basudev Tanti has passed the High School Certificate Examination. From the note given by the Senior Superintendent of Post Offices in Annexure-R-14 it is found that the Superintendent of Post Offices preferred the applicant because he had landed properties and income therefrom was to the extent of Rs.5,500/- whereas the income of Shri Basudev Tanti was purely based on his business and from other sources. The Superintendent of Post Offices observed that 'other sources' was not clarified and therefore, he thought that preference should be given to a person who has landed properties. For some reason or the other the highest authority of the Postal Department functioning in the State of Orissa did not agree with the views of the Senior Superintendent of Post Offices, which he had a right to do as the highest and reviewing authority. Since there is no allegation of malafide pleaded against the Post Master General, and in view of the fact that the Post Master General is the highest and reviewing authority functioning in the State of Orissa so far as the Postal Department is concerned, we would have been slow and reluctant to interfere with his discretion. But, so far as the present case is concerned, we find that the income of the two different candidates namely the present applicant and Basudev Tanti have been based on their own statement. The possibility of exaggerating one's income by his own statement cannot be completely overruled. In very

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many cases which we have dealt in the past we have found to our great satisfaction , the selections have been made in respect of candidates who have furnished income certificates from the competent revenue authority within whose jurisdiction the residence or property of the person concerned is situated. This is a very salutary practice adopted by the concerned authorities. We find no justifiable reason for making a departure from this salutary practice so far as the present case is concerned. Therefore, we thought it just and proper that both the applicant and the said Basudev Tanti should furnish their respective income certificates from the competent revenue authority not below the rank of Tahasildar and after such certificate is furnished it would remain open for the Post Master General to make selection.

5. In view of the aforesaid directions we do hereby quash the selection of both the applicant, Biranchi Narayan Das and Basudev Tanti and we would direct that a fresh selection be made by the Post Master General as per the directions contained above. We are conscious that by such order of quashing of selection the concerned Post Office may go without a Postmaster which may be detrimental to public interest. We would further direct that the present applicant, Biranchi Narayan Das would function as the Extra-departmental Branch Postmaster, Athantara Branch Office as an interim arrangement till final orders are passed by the Post Master General in regard to the selection of proper candidate. We trust and hope that the Post Master General will take into

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consideration the experience already gained by the present applicant, Biranchi Narayan Das while applying his mind for selection of a candidate to be appointed to the said post.

6. Thus, this application is accordingly disposed of leaving the parties to bear their own costs.

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Member (Judicial)

B.R.PATEL, VICE-CHAIRMAN,

I agree.

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Vice-Chairman



Central Administrative Tribunal,
Cuttack Bench, Cuttack.
December 1, 1987/S. Sarangi.