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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

Original Application No.94 of 1987

Date of decision : March 30 ,1988.

Sri Gouranga Charan Pani,
s/o late Durga Charan Pani of
village/P.O.Tilottamadeipur,
P.S.Kendrapara, District-Cuttack. ... Applicant.

Versus

1. The Union of India, through the Secretary, Ministry of Communication, At-Daktar Bhawan, New Delhi.
2. The Superintendent of Post Offices, Cuttack North Division, At/P.O./ P.S.Cuttack .
3. The Director of Postal Services, At/P.O./P S.-Bhubaneswar, Orissa.

... Respondents.

For the applicant : M/s.S.Misra-l,
S.N.Misra
Mrs.R.Sikdar,
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.ACHARYA, MEMBER (J)

In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays to command the respondents to uphold the order passed by the competent authority provisionally selecting him for appointment to the post of Extra-departmental Branch Post Master, Tilottama-deipur and to strike down the order cancelling the selection.

2. Shortly stated, the case of the applicant is that the post of Extra-departmental Branch Postmaster of Tilottamadeipur Branch Post Office within the Subdivision of Kendrapara, Cuttack fell vacant. Requisition was issued to the Employment Exchange for sponsoring names of candidates to fill up the post in question. After receipt of necessary communication from the Employment Exchange, Superintendent of Post Offices, North Division Cuttack addressed letters to different candidates whose names were sponsored for filing applications in the prescribed form for consideration and appointment to the said post. The present applicant was one such candidate along with some others. On 26.9.1986 the applicant was provisionally selected for appointment on ad hoc basis and was allowed to join the post after verification of the genuineness of the documents which were submitted by the applicant to the competent authority. On enquiry it was found that the applicant does not belong to the post village namely, Tilottamadeipur but he is a permanent resident of village Kandasahi which is adjacent to village Tilottamadeipur. In such circumstances, the selection is said to have been cancelled for which the applicant felt aggrieved and has filed this application with the aforesaid prayer.

3. In their counter the respondents maintained that though the applicant was selected provisionally but on enquiry it was found that the applicant does not belong to the post village and therefore, his selection was rightly cancelled. Further case of the respondents is that the case being devoid of merit, is liable to be dismissed.

4. We have heard Mr.S.Misra-1, learned counsel for the applicant and Mr.A.B.Mishra, learned Senior Standing Counsel (Central) at some length. Mr.S.Misra-1, learned counsel for the applicant vehemently urged before us that Tilottamadeipur being a hamlet of village Khandasahi, it should be held that the applicant belongs to village Tilottamadeipur. It was further submitted by Mr.Misra-1 that all correspondence having been made with the applicant in his Tilottamadeipur address, by no stretch of imagination it could be held that the applicant belongs to Khandasahi especially when in the Employment Exchange the applicant's address has been given as Tilottamadeipur. We have given our anxious consideration to the arguments advanced at the Bar and we have perused the relevant documents. In the year 1972 the applicant was admitted to Krushna Chandra Uchavidyalaya, Santhapura and from Annexure-R-8 it is found that the residence of the applicant has been given as Khandasahi. On this point it was submitted by Mr.Misra-1 that the applicant has admittedly a land at Tilottamadeipur where a thatched house has been constructed by the applicant and therefore, the applicant should be taken as a resident of village Tilottamadeipur. There was no dispute presented before us that the relevant Rules contemplate that the Extra-departmental Branch Postmaster

should be a permanent resident of the post village. Merely having a small piece of land and thatched house does not make one to be a permanent resident of a particular village. The voters list, Annexure-R9 indicates that the applicant is a resident of village Khandasahi and has been enlisted accordingly.

5. As regards the address furnished by the applicant to the Employment Exchange, it has been so done in the year 1986 as it appears from his registration number namely U/299/86. Incidentally it may be noted that first correspondence made by the authorities requesting the Employment Exchange for sponsoring the names of the candidates (Annexure-R-1) is dated 25.7.1986. Taking an overall assessment of the evidence before us and the arguments put forth before us, we are of opinion that the applicant belongs to village Khandasahi and not being the permanent resident of the post village, rightly the selection was cancelled.

6. Thus, there being no merit in the case, it stands dismissed leaving the parties to bear their own costs.

Legal 30.3.88
Member (Judicial)

B.R.PATEL, VICE-CHAIRMAN,

I agree.

Amul 30.3.88
Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
March 30, 1988/S.Sarangi.

