

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

Original Application No. 56 of 1988

Date of Decision: 5.1.93

Kasinath Singh

Applicant

Versus

Union of India & Others

Respondents

For the applicant

M/s. P.K. Dhal  
D.P. Dhal  
B. Pujari  
R.K. Baliarsingh  
A.P. Samal,  
Advocates

For the respondents

Mr. Aswini Kumar Misra,  
Standing Counsel  
(Central Government)

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C O R A M:

THE HONOURABLE MR. K. P. ACHARYA, VICE-CHAIRMAN

AND

THE HONOURABLE MR. M. Y. PRIOLKAR, MEMBER (ADMINISTRATIVE)

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

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JUDGMENT

MR. K. P. ACHARYA, VICE-CHAIRMAN, In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to quash the promotion list contained in Annexure-7 and direct the opposite party nos. 1 to 3 to appoint the petitioner as a Postman against the reserve quota <sup>for</sup> Scheduled Tribes with effect from 31st August, 1987.

2. Shortly stated the case of the petitioner is that he was recruited as an Extra Departmental Mail Carrier on 8.5.1990 and he joined the post. The seniority list was prepared by OP No.1 on 15th October, 1985 placing the petitioner against Sl.No. 78. A notification was issued intimating to hold a recruitment examination for promotion to the cadre of Postman. The petitioner appeared in the examination. Result was published on 31st August, 1987 and the name of the petitioner did not find place in the select list. OP No.3 to 7 were given promotion to the cadre of Postman. Two posts were kept reserved for Scheduled Tribe Candidates and one candidate viz. OP No.6 has been promoted. According to petitioner his case has been illegally rejected. Hence this application with the aforesaid prayer.

3. In their counter the opposite parties maintain that two posts were reserved for Scheduled Tribe candidates. According to Rules, an incumbent, in order to qualify himself for the post of Postman, one should secure minimum marks of 50 per cent. The petitioner did not qualify in the Paper-B examination and therefore the petitioner was not selected. Hence there being no merit in this case, it should be dismissed.

4. We have heard Mr. P. K. Dhal, learned counsel for the petitioner and Mr. Aswini Kumar Mishra, learned Standing Counsel.

5. It was urged by Mr. Dhal that the petitioner being being a physically handicapped employee should have been given preference in regard to his appointment as a Postman, and the competent authority ~~having~~ committed an illegality in not giving an appointment to the petitioner, the entire selection list should be quashed.

6. We have gone through the pleadings of the parties and the relevant documents filed by the parties concerned. Admittedly two posts have been reserved for Scheduled Tribe candidates. In Our opinion no preference can be given to the physically handicapped person if he does not qualify himself in the written test. Nothing ~~to~~ <sup>and could</sup> be placed before us to contradict the statement made in the counter that the petitioner had failed in Paper-B of the examination. The two posts meant for Scheduled Tribe candidate has been filled up by M/s. Narayan Singh and P.K. Jena. From Annexure-7 (document filed by the petitioner) <sup>it is found that</sup> M/s. Narayan Singh and Prafulla Kumar Jena belong to Scheduled Tribe community. In the circumstances stated above, we find no illegality to have been committed by the competent authority and the case being devoid of merit stands dismissed leaving the parties to bear their own costs.



MEMBER (ADMINISTRATIVE)



VICE-CHAIRMAN

Central Administrative Tribunal  
Cuttack Bench, Cuttack  
1992/ B.K.Sahoo

