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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

Original Application No.164 of 1989.

Date of decision : 24.4.92

Anama Charan Rout	...	Applicant.
Versus		
Union of India and others ...		Respondents.
For the applicant ...	M/s. Devanand Misra, Deepak Misra, R. N. Naik, Anil Deo, B. S. Tripathy, Advocates.	
For the respondents 1 to 3 ..	Mr. Aswini Kumar Misra, Sr. Standing Counsel (CAT)	
For the respondent No. 4 ..	Mr. P. V. Ramdas, Advocate.	

C O R A M:

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

A ND

THE HONOURABLE MISS USHA SAVARA, MEMBER (ADMN.)

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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.

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Deepak Misra, R. N. Naik,  
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For the respondents

1 to 3 ... Mr. Aswini Kumar Misra,  
Sr. Standing Counsel (CAT)

For the respondent No. 4. Mr. P. V. Ramdas, Advocate.

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JUDGMENT

K. P. ACHARYA, V.C., In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays to quash the selection/appointment of Respondent No. 4 as Extra-departmental Branch Postmaster of Sahanda Gopalpur Branch Post Office and to direct Respondent No. 3 to appoint the applicant as Extra-Departmental Branch Post Master of the said Post Office.

2. Shortly stated, the case of the applicant is that one Rajani Kanta Jena was functioning as Branch Postmaster of Sahanga Gopalpur Branch Post Office and the said Rajanikanta Jena retired on superannuation after which names were called for by Respondent No. 3 from Employment Exchange, Banki.

The name of the applicant was sponsored and his case was considered along with some others. The applicant submitted an income certificate to the tune of Rs.10,500/- and the applicant had passed Intermediate in Arts Examination whereas the applicant No.4 submitted an income certificate of Rs.8,500/- only. According to the applicant, Respondent No.4 was preferred because she is the daughter-in-law of the said Rajanikanta Jena. Hence this application has been filed with the aforesaid prayer.

3. In their counter, the respondents maintained that the income of the applicant is certified to be Rs.6,500/- as per bread sheet, Annexure-R/6 and the income of Respondent No.4 is said to be Rs.8,500/- per as per breadsheet (Annexure-R-7) and as certified by the Tahasildar, Banki, hence Respondent No.4 was preferred.

4. We have heard Mr. R. N. Naik, learned counsel for the applicant, Mr. Aswini Kumar Misra, learned Senior Standing Counsel (CAT) for the respondents 1 to 3 and Mr. P. V. Ramdas, learned counsel for the Respondent No.4.

5. Besides the difference in the income which was very seriously challenged by Mr. Naik, and the fact that Respondent No.4 is the daughter-in-law of the said Rajanikanta Jena, nothing else was urged challenging the appointment of Respondent No.4. So far as the income of both the applicant and Respondent No.4 is concerned, the statement made in the counter stands corroborated from Annexures-R/6 and R/7. Undoubtedly, Respondent No.4 is the daughter-in-law of Rajanikanta Jena but we are of opinion that it would not be a disability for Respondent No.4 to get an appointment. The competent authority has

considered the cases of all the candidates and has determined the competency and suitability of a particular person for appointment. Unless, there is some clear illegality committed by the competent authority we find no justifiable reason to interfere with the discretion of the competent authority. Here is a case where the competent authority has preferred a lady to a particular person who otherwise was found to be suitable according to the norms and the Rules. Therefore, we find no justifiable reason to interfere in this matter. We find no merit in this application which stands dismissed leaving the parties to bear their own costs.

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J. Sarangi  
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Member (Administrative)

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K. Dasgupta  
24.4.92  
.....  
Vice-Chairman



Central Administrative Tribunal,  
Cuttack Bench, Cuttack.  
/Sarangi.