

9 IV

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

Original Application No.406 of 1989.

Date of decision: January 17,1990.

Bijoy Chandra Misra, aged about 21 years,
son of late Maheswar Misra, At/P.O.
Sasan Damodarpur, Dist-Puri.

Applicant.

...

Versus

1. Union of India, represented by its
Secretary, Department of Posts,
Dak Bhawan, New Delhi.
2. Chief Postmaster General, Orissa,
At/P.O. Bhubaneswar, Dist-Puri.
3. Senior Superintendent of Post Offices,
Puri Division, At/P.O./-Dist. Puri.
4. Laxminarayan Sarangi,
son of late Lambodar Sarangi,
At/P.O. Sasan Damodarpur, Dist. Puri.

... Respondents.

For the applicant ... M/s. Deepak Misra,
Anil Deo, Advocates.

For the respondents ... Mr. Aswini Kumar Misra,
Sr. Standing Counsel (CAT).

C O R A M:

THE HON'BLE MR. P. S. HABEEB MD., MEMBER (ADMINISTRATIVE)

A N D

THE HON'BLE MR. N. SENGUPTA, 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.
-

J U D G M E N T

N.SENGUPTA, MEMBER (J)

The facts of this Case lie in a narrow compass.

There is no dispute that the post of Extra-Departmental Branch Postmaster of Sasan Damodarpur in the district of Puri fell vacant and in that connection an advertisement was made in August, 1989 calling for applications. The applicant herein and Respondent No.4 besides others applied for being appointed. The applicant's case is that he satisfied all the requirements for being appointed as the Extra-Departmental Branch Postmaster namely, he was solvent, he was a resident of the post village and was prepared to spare an accommodation for the Branch Post Office. But the respondents 1 to 3 illegally refused to appoint him and instead appointed Respondent No.4.

2. The case of the respondents 1 to 3 is that the departmental authorities considered the cases of all the applicants and after due application of mind and having regard to the rules and instructions in the matter of appointment of Extra-Departmental Branch Postmaster, selected Respondent No.4 who also satisfied all the basic requirements for being appointed as Extra-Departmental Branch Postmaster.

3. We have heard Mr. A.K. Misra, learned Sr. Standing Counsel (CAT) for Respondents 1 to 3 and learned counsel for the applicant. From Annexure-R-2 it would be manifest that the appointing authority prepared a chart in respect of four persons who applied for the post and they noted the relevant information relating to those aspirants.

From Annexure-R-2 it would be found that the applicant's educational qualification was a Pass in Class IX whereas

Mr. Sen Gupta
13/11

that of the Respondent No.4 was H.S.C.Exam. The income of Respondent No.4 was more than that of the applicant. According to the instructions for recruitment of Extra-Departmental Branch Postmasters (to be found at page 55 of Swamy's compilation of Service Rules for Extra-Departmental staff , Third Edition) a person having educational qualification of Matriculation or equivalent is to be preferred. Therefore, Respondent No.4 having passed H.S.C.Examination came in that preferential category. The applicant and Respondent No.4 both belong to other class, that means they are neither Scheduled caste nor Scheduled tribe candidates. That being the position, the grievance of the applicant seems to be unfounded. Accordingly the petition is rejected but, however, without costs.

.....17/1/1950.
Member (Administrative)



.....17.1.90.
Member (Judicial)