

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.**

Original Application No.130 of 1990.

Date of decision : April 29, 1992.

Mrutyunjaya NarayanPati ... Applicant.

Versus

Union of India and others ... Respondents.

For the applicant ... Mr. Antaryami Rath, Advocate.

For the respondents ... Mr. Aswini Kumar Misra,
1 to 4 Sr. Standing Counsel (CAT)

For the respondent No.5 ,...M/s.Deepak Misra,
R. N. Naik, A. Deo,
B. S. Tripathy, Advocates.

C O R A M :

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

A N D

THE HONOURABLE MR. C. S. PANDEY, MEMBER (ADMINISTRATIVE)

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1. Whether reporters of local papers maybe allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? *ND*
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

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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 appointment of Respondent No. ⁵ Shri Basanta Kumar Arakha.

2. Shortly stated, the case of the applicant is that he is the son of the Ex-Extra Departmental Sub ~~Sub~~ Postmaster, Ichhapur ~~Sub~~ Post Office. On the retirement of the applicant's father from the said Post Office, (on invalid grounds) the post in question was to be regularly filled up and there were several applicants including the applicant Mrutyunjaya Narayan Pati and Respondent No.5, Basanta Kumar Arakha. Basanta Kumar Arakha was selected and appointed.

Hence this application with the aforesaid prayer.

3. In their counter, the respondents maintained that the selection has been made according to Rules and should not be disturbed.

4. We have heard Mr. Antaryami Rath, learned counsel for the applicant, Mr. Aswini Kumar Misra, learned Senior Standing Counsel (CAT) for the respondents 1 to 4 and Mr. Deepak Misra, learned counsel for the Respondent No. 5. Mr. Rath contended that the income certificate filed by Respondent No. 5 indicated that the income of Respondent No. 5 was Rs. 35,000/-. But on a complaint being lodged the matter was again inquired into and the income certificate was reduced to Rs. 14,000/-. Again another inquiry was made in which the income was reduced to nil and still then Respondent No. 5 has been selected. In addition to the above, Mr. Rath contended that when Respondent is a student in Bhadrak College, necessarily the work of the Post Office will be seriously hampered. All these allegations levelled against Respondent No. 5 were stoutly denied by Mr. A. K. Misra and Mr. Deepak Misra. We do not like to express any opinion regarding these facts. But we feel that one who continues in the College (if at all true) should not be appointed as Extra-Departmental Sub-Post Master because either he would not be serious in pursuing his studies in the College or in the alternative he would not be sincere in his work in the Post Office. However, we leave this matter to be decided by the Superintendent of Post Offices, Bhadrak Division. We would hereby quash the appointment order issued in favour of Respondent No. 5 and direct that all the applicants who have been sponsored by the Employment Exchange or have come from

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the open market including the applicant and the Respondent No.5 be considered afresh according to Rules and necessary appointment order should be issued in favour of the person to be found suitable. We further add that some weightage should be given to the applicant because his father has retired.

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

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Chandey
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MEMBER (ADMINISTRATIVE)

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29.4.92
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VICE-CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
April 29, 1992/Sarangi.

