

7

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

Original Application No. 210 of 1990.

Date of decision 14 November 14, 1990.

Balaram Das ... Applicant.

Versus

Union of India and others. ... Respondents.

For the applicant : :: M/s. Devanand Misra  
Deepak Misra,  
A. Deo, B.S. Tripathy,  
Advocates.

For the respondents 1 & 2 :: Mr. Aswini Kumar Misra,  
Sr. Standing Counsel (CAT)

For the respondent No. 3 :: Mr. Ganeswar Rath, Advocate.

C O R A M :

THE HONOURABLE MR. B. R. PATEL, VICE-CHAIRMAN

A N D

THE HONOURABLE 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

B. R. PATEL, VICE-CHAIRMAN, The applicant, in this case, has challenged the selection of Respondent No. 3, for appointment to the post of Extra-Departmental Branch Post Master (E.D.B.P.M.), Udayapur Branch Office in account with the Sub Office of Sujanpur in the district of Cuttack. The ground taken by the applicant is that Respondent No. 3 does not belong to the Post village but to one Bhali-Nyagaon. As such,

P. N. V.

according to the applicant, the selection has been vitiated as per the Rules and should be quashed.

2. The Respondent No.3 has come as an intervenor inspite of coming as Respondent No.3 because the address of Respondent No.3 has been given as village: Bhali-Nuagaon, P.O. Udayapur. Since this is controverted by him he has preferred to interfere in this case rather than being arrayed as Respondent No.3 as has been done by the applicant.

3. Respondents 1 and 2 have maintained in their counter affidavit that on verification of the certificates furnished by the intervenor they have selected him and as such their actions should not be interfered with.

4. We have heard Mr. Deepak Misra, learned counsel for the applicant, Mr. Ganeswar Rath, learned counsel for the intervenor cum Respondent No.3 and Mr. Aswini Kumar Misra, learned Senior Standing Counsel (CAT) for the respondents 1 and 2 and perused the documents. Mr. Deepak Misra has placed before us a copy of the voters list of village Bhali-Nuagaon and drew our attention to Serial Ni.28 where the name of Ajaya Kumar Mohanty occurs <sup>under</sup> in the village Bhali-Nuagaon. Mr. Deepak Misra has stated that in the names listed under village Udayapur the name of Respondent No.3-cum-intervenor does not occur which is conclusive of the fact that Respondent No.3-cum-Intervenor does not belong to village Udayapur which is the post-village. He has therefore, urged that the matter should be inquired into again by the Department before finalising the selection. In this connection he has drawn our

*Per*

9

attention to the instructions on the method of recruitment of E.D.Agents (Swamy's compilation of Service Rules for P & T Extra-Departmental Staff in Postal Department (4th Edition)). These instructions relate to verification of antecedents and the formalities to be undertaken by the Department before appointing candidates to the posts of E.D.Agents. Mr.Rath has drawn our attention to his counter and annexures thereto and urged that residential certificates, copies of which have been furnished as annexures to the counter, have been issued by the competent authority under the Orissa Miscellaneous Certificates Rules, 1984. Annexure-C is a copy of the certificate issued by the Tahasildar, Binjharpur with regard to the residence of Respondent No.3 cum intervenor. According to this certificate Respondent No.3 cum intervenor ordinarily resides in village Udayapur. This has been <sup>decided</sup> ~~discip-~~ ~~sed~~ in Miscellaneous Case No.13 of 1990 registered in the Court of the Tahasildar, Binjharpur. Annexure-D is a copy of the Income certificate which formed the subject matter of Miscellaneous case No.57 of 1990 in the Court of the Tahasildar, Binjharpur. In this certificate also the name of the village of Respondent No.3 cum intervenor has been mentioned as Udayapur. Annexure-E is an Income Certificate furnished by the same authority. Here the name of the village of Respondent No.3 cum intervenor has been mentioned as Udayapur. Same is the position in Annexure-F which is a copy of the solvency certificate issued by the same authority. Mr.Rath has also drawn our attention to the transfer certificate of the Jajpur High School where this Respondent No.3 cum intervenor read. This is a duplicate

prh

10

of the original which was numbered as 54 and had been issued on 8.7.1976. The duplicate has been issued on 12.1.1990. Against the column for residence Udayapur has been mentioned. Mr. Rath has also placed before us a copy of the order of the Tahasildar dated 18.7.1990 on a petition filed by the applicant challenging the residential certificate which had been issued by the Tahasildar, Binjharpur in favour of Respondent No.3 cum intervenor. We have gone through the order of the Tahasildar which is a reasoned order. After giving various reasons the Tahasildar has come to the conclusion that there was no reason to review his order dated 5.1.1990 granting residential certificate to Respondent No.3 cum intervenor. Mr. Deepak Misra said that in spite of the various documents the matter is not free from controversy and to set the matter at rest the Tribunal should direct Respondents 1 and 2 to get the matter inquired into again before finalising the selection. We are unable to accept the plea of Mr. Deepak Misra because in our opinion, various documents produced before us which have been enumerated above, leave no scope for any doubt about the residence of Respondent No.3 cum intervenor and in view of this there is <sup>no</sup> ~~is~~ case for any further enquiry by the Department. Mr. Deepak Misra says that the antecedents of Respondent No.3 cum intervenor has not been verified as required under clause (3) of the instructions issued by the Director General, Posts & Telegraphs. We have no doubt that the Department will verify the antecedents of Respondent No.3 cum intervenor, if not already done before appointing him to the post of

B.V.



Extra-Departmental Branch Post Master, Udayapur Branch Office.

5. This application is accordingly disposed of.  
No costs.

*Member*  
.....  
Member (Judicial)

14.11.90



*Vice-Chairman*  
.....  
Vice-Chairman

14.11.90

Central Administrative Tribunal,  
Cuttack Bench, Cuttack.  
November 14, 1990/Saranghi.