

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH-CUTTACK.

Original Application No.37 of 1990

Date of decision : August 10, 1990.

Patitapaban Barik ... Applicant.

Versus

Union of India and others ... Respondents.

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

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

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

N. SENGUPTA, MEMBER (J) The facts leading upto this case are that the applicant was appointed as temporary Extra-Departmental Branch Postmaster, Paunsia Branch Post Office for the period from 1.12.1989 to 31.3.1990. The appointing authority is Respondent No.3. The applicant joined the post on 1.12.1989. During the incumbency of the applicant, Respondent No.3 called for applications from the candidates for regular appointment as Extra-Departmental Branch Postmaster, Paunsia Branch Office. In response to that the

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applicant and Respondent No.4 besides others submitted their applications. Respondent No.3 selected Respondent No.4 and issued orders vide Annexure-3 dated 21.1.1990 provisionally appointing Respondent No.4 as Extra-Departmental Branch Post Master of that Branch Office. The grievance of the applicant is that when he is holding the post and nothing adverse has been reported against him, he should not be ousted from the Office. The applicant has further alleged that Respondent No.4 has no requisite residential qualification.

2. The respondents 1 to 3 in their counter have stated that as the appointment of the applicant was purely on temporary basis, applications were invited for making regular appointment and after following due process of selection, Respondent No.4 has been selected against which the applicant has little to complain.

3. We have heard learned counsel for the applicant and Mr. Aswini Kumar Misra, learned Senior Standing Counsel (CAT) for the respondents 1 to 3. There has been no appearance on behalf of Respondent No.4 inspite of he being called before thematter was heard. From the facts alleged in the application and the counter it could be found that the applicant is a non-Matriculate but the Respondent No.4 is a Matriculate. The contesting respondents have filed copies of Votors list of village Paunsia and certificate granted by the Revenue Officer to Respondent No.4, these documents will show that Respondent No.4 is a resident of Paunsia, the post village, therefore the allegation of the applicant that Respondent No.4 does not possess residential qualifi-

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cation is baseless.

4. It is true that essential educational qualification for appointment as Extra-Departmental Branch Post Master or Extra-Departmental Agent is a pass in Eighth standard but as would be found from paragraph 2 of the Rules relating to the method of recruitment, Matriculation or equivalent is to be preferred. The applicant being a non-Matriculate and Respondent No. 4 being a Matriculate, the latter was to be preferred to the applicant. Apart from this, it is not for this Tribunal to act as the selecting agency for appointment. The Tribunal could intervene or interfere only if some illegality or malafide is ^{there} ~~done~~, which the applicant has not been able to prove in the present case.

5. The application fails but however we do not like to saddle the applicant with costs.

Bruno
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Vice-Chairman

Member
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Member (Judicial)



Central Administrative Tribunal
Cuttack Bench, Cuttack.
August 10, 1990/Sarangi.