

3

(5)

Central Administrative Tribunal  
Cuttack Bench : CUTTAK.

Original Application No. 514/90

Date of decision: 6.11.92.

Garjan Tavati Naidu

: Applicant

vs.

Union of India and other

: Respondent.

M/s J.Patnaik, H.M. Dhal &  
B.P. Ray

: Counsel for the applicant.

Mr. A.K. Mishra  
Standing counsel (Central)

: Counsel for the respondents.

CORAM

The Hon'ble Shri K.P. Acharya, Vice Chairman  
and

The Hon'ble Shri K.J. Raman, Administrative Member.

1. Whether the reporters of local newspapers may be allowed to see the judgement? YES.
2. To be referred to reporters or not? No
3. Whether their Lordships wish to see the fair copy of the judgement? YES.

(6)

JUDGEMENT

4  
Shri K.P. Acharya,  
Vice Chairman.

In this application under Sec. 19 of the Administrative Tribunals Act, 1985, the appointment of OP No.3 as EDBPM, Gumuda Laxmipur, post office is under challenge.

2. The case of the petitioner is that <sup>along with the petitioner</sup> ~~that~~ all other applicants including O.P. No.3 <sup>were</sup> / considered. The competent authority appointed OP No.3 in preference to the petitioner <sup>has been filed</sup> and hence this application ~~with~~ / with a prayer to declare the appointment of OP No.3 as illegal and be quashed and the OP Nos. 1 & 2 be directed to give him an appointment

by  
3. ~~In the~~ counter filed / the opposite parties it is maintained that the competent authority has taken into consideration all aspects including education and income of the applicant and others including OP No.3 and appointed OP No.3, which should not be unsettled, rather it should be sustained.

4. We have heard Shri J. Patnaik, learned counsel for the petitioner and Shri Aswini Kumar Misra, <sup>standing</sup> learned / counsel for the respondents at a considerable length.

5. It was urged on behalf of the petitioner that the income certificate furnished by the petitioner would be about Rs.12,000/- per annum whereas the income certificate produced by OP No.3 was only about Rs.8,800/- per annum . The


petitioner is a matriculate whereas OP No.3 has read upto

la


5  
-3-  
class Ten..

6. On the other hand, Shri Aswini Kumar Misra, learned standing counsel contended that the income certificate furnished by the petitioner was in the name of his father whereas the income certificate furnished by OP No.3 was in his own name. He therefore submitted that once the competent authority has taken into consideration all aspects and there being no case of mala fide against the competent authority, the appointment of OP No.3 should not be unsettled. We find substantial force in the contention of Mr. Misra. Hence we find no merit in this application which stands dismissed, leaving the parties to bear the costs.

7. It was lastly submitted by the learned counsel for the petitioner that the petitioner is <sup>an</sup> unemployed matriculate going with a begging bowl. The competent authority <sup>may</sup> be directed to give <sup>an</sup> appointment <sup>to the petitioner</sup> elsewhere. Hence the Superintendent of Post Offices Koraput Division, is directed to take into consideration this aspect and if possible, the petitioner's name may be kept in the waiting list and <sup>for appointment</sup> may be considered <sup>/</sup> if any vacancy is available in future.

  
( K.J. Raman )  
Administrative Member



  
( K.P. Acharya )  
Vice Chairman

jsv.