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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 121 of 1991

Date of Decision: 25.5.1993

B.Laxmana Rao

Applicant

Versus

Union of India & Others

Respondents

For the applicant

M/s.P.V.Ramdas
P.K.Nayak
Advocates

For Respondent No.5

M/s.P.K.Sahoo
S.C.Pradhan
Advocates

For Respondent Nos.1 to 4

Mr.Akhaya Mishra
Standing Counsel
(Central Government)

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C O R A M:

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

AND

THE HONOURABLE MR.H.RAJDNDRA PRASAD, MEMBER (ADMN)

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1. Whether the reporters of local newspapers may be allowed to see the judgment ? Yes
2. To be referred to reporters or not ? *NO*
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes

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JUDGMENT

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MR.K.P.ACHARYA, VICE-CHAIRMAN, In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to quash the order of appointment issued in favour of Opposite Party No.5 and to direct the opposite parties Nos. 1 to 4 to appoint the applicant in the post of Welder.

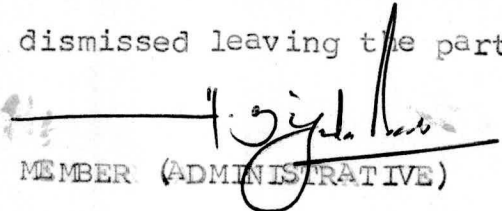
2. Shortly stated the case of the petitioner is that a post of Welder fell vacant in the office of the Executive Engineer, Central Ground Water Board, Bhubaneswar. There were several applicants out of whom the present petitioner and O.P. No.5 were the candidates. The competent authority illegally selected OP No.5 to an unreserved category of post, though Respondent No.5 belongs to a reserved category. Hence this application has been filed with the aforesaid prayer.

3. In their counter the opposite parties maintain ^{all} that the competent authority had interviewed ~~the~~ candidates and on scrutiny of relevant documents and considering the performance of all the candidates who were interviewed including ~~that of~~ the petitioner and OP No.5, the competent authority found OP No.5 to be suitable and hence rightly, appointment order was issued in favour of OP No.5. which should not be unsettled-rather it should be sustained.

4. There is no appearance on the side of the petitioner. We have perused the pleadings of the parties and we have heard Mr.Akhaya Mishra, learned Standing Counsel in extenso. There is substantial force in the contention of Mr.Akhaya Mishra that a reserved category candidate

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is not a bar from competing for the post meant for a general candidate. Therefore, we find no illegality to have been committed by the competent authority in filling up of the post meant for a general candidate by scheduled caste candidate. That apart, in the representation filed by the petitioner contained in Annexure-9; at paragraph-11 it is stated that the petitioner had appeared for interview test held on 21.8.1989. Therefore the case set up by the petitioner in his application that his case was not considered, ^{ed cannot be} ~~is not being sustained - rather~~ accepted. The competent authority considered ^{ed} the cases of all the candidates including the petitioner and OP No.5 and having come to a conclusion that OP No.5 is suitable for appointment to the post in question, we do not like to interfere with this matter, especially when there is no case of malafide or bias set up by the petitioner. Hence we find no merit in this application which stands dismissed leaving the parties to bear their own cost.


MEMBER (ADMINISTRATIVE)


VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench, Cuttack
dated the 25.5.1993/ B.K.Sahoo

