

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH CUTTACK

Original Application No. 470 of 1991

Date of Decision: 16.9.1993



Smt. Manjula Behera

Applicant(s)

Versus

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? *ND*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not ? *ND*

*T. S. J. B.*  
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MEMBER (ADMINISTRATIVE)  
16 SEP 93

*Ken* 16/9/93  
VICE-CHAIRMAN

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH CUTTACK**

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Smt. Manjula Behera Applicant

## Versus

Union of India & Others Respondents

For the applicant:

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

### For the respondents

Mr. Asewini Kumar Mishra  
Standing Counsel  
(Central Government)

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C O R A M:

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

AND

THE HONOURABLE MR. H. RAJENDRA ERASAD, MEMBER (ANMP)

## JUDGMENT

MR. K. P. ACHARYA, VICE-CHAIRMAN, In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to quash the selection of OP No.4 to the post of Extra Departmental Branch Post Master, Potoladigha Branch Office.

2. Shortly stated the case of the petitioner is that he was appointed on temporary basis to act as E.D.BPM in Pataladiha Branch Post Office since 1985. On 13th September, 1991, a representation has been made by the petitioner for regularisation of her services. A regular selection process was conducted and the case of the present petitioner and that of OP No. 4 along with others

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was considered and ultimately OP No.4 was selected, which is sought to be quashed.

3. In their counter the opposite parties maintain that the selection process has been conducted according to rules, and there being no violation of any of the rules, prevalent, and OP No.4 having been found to be suitable, it should not be quashed - rather it should be sustained. The case being devoid of merit is liable to be dismissed.

4. We have heard Mr. B. S. Tripathy, learned counsel for the petitioner and Mr. Aswini Kumar Mishra, learned Standing Counsel. We have gone through the pleadings of the parties and the relevant records. It was admitted before us that both the petitioner and OP No.4 are matriculate. From the averment finding place in the counter it is found that the petitioner had secured 269 marks out of 700 marks, whereas OP No.4, Shri Chaitanya Dalai had secured 317 marks out of 800 marks. The concerned authority has also taken into consideration the income from the property of both the petitioner and OP No.4.

5. The concerned authority having come to a conclusion that OP No.4 is more suitable than the present petitioner, we do not like to interfere with this matter. Hence we find no merit in this application which stands dismissed leaving the parties to bear their own costs.

B.K.Sahoo  
MEMBER (ADMINISTRATIVE)

16 SEP 93

Central Administrative Tribunal  
Cuttack Bench Cuttack  
dated the 16.9.1993/ B.K.Sahoo

VICE-CHAIRMAN

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16.9.93