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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 332 OF 1992.

CUTTACK, this the 26th day of October, 1992.

MANOJ KUMAR ROUTRAY.

APPLICANT.

-VERSUS-

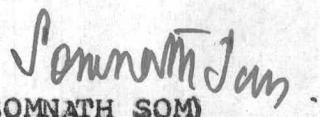
UNION OF INDIA & OTHERS.

RESPONDENTS.

(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters or not? Yes.
2. Whether it be referred to all the Benches of the Central Administrative Tribunal or not? NO.


(G. NARASIMHAM)
MEMBER (JUDICIAL)


(SOMNATH SOM)
VICE-CHAIRMAN 26.10.92

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 332 OF 1992.

CUTTACK, this the 26th day of October, 1992.

C O R A M :-

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN

AND

THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDICIAL).

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Manoj Kumar Routray, aged about 25 years,
Son of Maheswar Routray, resident of
Bhatapara, PS. Rajnagar, Dist. Cuttack.

... Applicant.

By legal Practitioner :- Mr. M. K. Mohanty, Mrs. S. Mohanty, Advocates.

-VERSUS-

1. Union of India represented by the Secretary Post & Telegraph, Ministry of Communication, Central Secretariat, New Delhi.
2. Superintendent of Post Offices, Cuttack North Division, Cuttack.
3. Sub Divisional Inspector of Post Offices, Pattamundai, Dist. Cuttack.
4. Soumya Ranjan Mohanty, S/o. Sibaram Mohanty, At/P.O. Bhatapara, PS. Rajnagar, Dist. Cuttack.

By legal practitioner : Mr. Ashok Mishra, Senior Counsel for Respondents 1 to 3. (Central)

By legal Practitioner for Respondent No. 4. : Mr. J. K. Khuntia, Advocate.

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O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN :-

In this Original application under section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for quashing the notification dated 6.7.1992 selecting Respondent No. 4 as EDBPM, Bhatapara Branch post Office and the order dated 14.7.1992 directing Respondent No. 4 to join in that post. There is also a prayer for a direction to the Departmental Authorities to appoint the applicant to the Post of EDBPM, Bhatapara Branch Post Office.

2. The case of the applicant is that for filling up of the Post of EDBPM, Bhatapara Branch Post Office, the Departmental Authorities invited applications from general public by a notice dated 1.1.1992 which is at Annexure-1. In response to this, the applicant alongwith some others applied for the Post and ultimately, the applicant's was considered alongwith the candidature of Respondent No. 4. Applicant has stated that he has passed BA Exam. from Utkal University whereas Respondent No. 4 has only passed HSC examination (10th standard) in compartmental. Therefore, in educational qualification, applicant is superior to Respondent No. 4. It is also stated that the annual income of the applicant is Rs.8000/- whereas the annual income of Res. No. 4 is Rs.6000/-. On the above ground, it has been urged by the applicant that he being more meritorious, should have been selected but his case

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has been ignored and that is why, he has come up with the above prayer .

3. Respondents in their counter have pointed out that at the time of selection, the essential qualification for filling up of the post of EDBPM was class-VIII with stipulation that preference will be given to those who have passed matriculation. Instruction also provides that no weightage should be given for any educational qualification above matriculation. It has been further laid down in the departmental instruction that amongst the eligible candidates, selection will be done strictly on the basis of percentage of marks secured by the candidates in the matriculation examination where matriculate candidates are preferred. Respondent No. 4 being more meritorious having secured 322 marks in the matriculation examination has been selected for the post. On the above grounds, the Departmental Respondents have opposed the prayer of the applicant.

4. Respondent No. 4 has also filed counter opposing the prayer of the petitioner.

5. We have heard Shri Ashok Mishra, learned Senior Standing Counsel appearing for the Departmental authorities. Mr. J. K. Khunti, learned counsel appearing for the Respondent No. 4 is absent. Mr. M. K. Mohanty, learned counsel for the applicant is also absent nor has any request been made on his behalf seeking for an adjournment. In view of this, we propose to dispose of this Original application .

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petitioner, no doubt, is a graduate. According to the instruction, his educational qualification above the matriculation, can not be taken into consideration. So far as matriculation examination is concerned, the petitioner himself has pointed out that he has secured '314' marks in the matriculation examination whereas, the selected candidate, Respondent No. 4 has secured '322' marks in the matriculation examination. Therefore, in accordance with the Departmental instructions, selection of Respondent No. 4, who has got higher marks than the applicant can not be faulted.

The second ground urged by the applicant is that his annual income is Rs.3000/- whereas the annual income of Respondent No. 4 is Rs.6000/-. Departmental instructions has also provided that on the question of ^{ture} annual income, what the Departmental authorities to ^{see} ^{of this fact} see is that the selected candidate has got adequate means of livelihood and does not only depend upon the allowances. It has been specifically provided that while selecting ED Agent, higher annual income will not be the ^{decisive} factor for selecting the ED Agent. Therefore, in our view, the Departmental Authorities have rightly selected the Respondent No. 4 for the post of EDBPM, Bhatapara Branch Post Office.

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6. In view of this, we hold that the applicant has failed to make out a case for the relief sought for in this Original Application. The Original Application is rejected.

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There would be no order as to costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

KNM/CM.

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
26.10.98