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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

Original Application No. 353 of 1992.

Cuttack, this the 18<sup>th</sup> day of March, 1999.

CORAM:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN

A N D

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

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Anil Kumar Nayak,  
Aged about 27 years,  
S/o. Pravakar Nayak,  
Resident of Village Rajmukundapur,  
Po. Rajmukundapur, Ps. Bhadrak,  
Dist. Balasore.

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APPLICANT.

By legal Practitioner: M/s. M. Mohanty, A. K. Mohanty, Advocates.

-Versus-

1. Union of India represented through  
its Chief Postmaster General,  
Orissa Circle, Bhubaneswar, Dist. Khurda.

2. Supdt. of Post Offices,  
Bhadrak Division, Bhadrak,  
At/Po/Ps. Bhadrak.

3. Shri Pramod Kumar Nayak,  
S/o. Govinda Ch. Nayak,  
At/Po. Susua, Ps. Bhadrak.

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Respondents.

By legal Practitioner (Res. 1&2) : Mr. Ashok Mishra, Senior Standing Counsel (Central).

By legal Practitioner (Res. No. 3.) : M/s. R. C. Mohanty, R. K. Mohanty,  
D. K. Mohanty, P. C. Acharya,  
Advocates.

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O R D E R

MR. G. NARASIMHAM, MEMBER (JUDICIAL) :

In this application filed on 30-7-1992, applicant Anil Kumar Nayak challenges the selection and appointment of Pramod Kumar Nayak, Respondent No. 3, as EDBPM, Rajmukundapur Post Office, mainly on the ground that Respondent No. 3, Pramod Kumar Nayak is not a resident of the post Village, of

Rajmukundapur but a resident of village Sisua and as such, his selection and appointment violates the conditions stipulated in clause No.3(II) of the Advt.inviting applications for this post, issued under Annexure-1. In support of his averments, he files Voter list of Village Sisua under Annexure-2 wherein the name of Respondent No.3 finds at sl.No.176.

2. Department and Respondent No.3 filed separate counters. The stand of the Department is that Rajmukundapur is a hamlet village of Rajualibindha Revenue Village, but the Branch Post Office is named after the hamlet village of Rajamukundapur. Out of Seven applications, including the applications of the present applicant and Res.No.3 received, it reveals from enquiry that Uma Shankar Ray, Kanakalata Raut, applicant and Respondent No.3 were the resident of village Rajmukundapur. Hence other three candidates remained out of zone of consideration. Candidature of Umashankar Ray was not taken into consideration as he had no income of his own. Applicant, though matriculate, was having annual income of Rs.500/- only from Agricultural land. He has submitted only one character certificate as against the requirement of two as per the advertisement under Annexure-1. By then, he was also involved in two crl. cases pending before the learned SDJM, Bhadrak i.e. GR Case No.299/89 under Section 341, 426, 506, 323 and 34 IPC and GR Case No.301/89 under Section 147, 325, 126 IPC. But, the applicant suppressed these facts and gave a false declaration at Cl.No.4(d) of the application form under Annexure-R/2 stating that he was not involved in any crl. case. Hence, the candidature of the applicant was not taken into consideration. ~~Between~~ between Kanakatala Raut and P.K.Nayak, the

later is a matriculate whereas the former is Class VIII pass. Respondent No. 3, P.K.Nayak is having an annual income of Rs.8000/- from Agrl. land as certified by the Tahasildar, Bhadrak. He has also submitted a residential certificate of Rajualibindha Samil Rajmukundapur issued by the vide Annexure-R/3. Tahasildar, Bhadrak. Hence, he being eligible and suitable, was selected.

Respondent No. 3, P.K.Nayak, submitted in his counter that Annexure-2, the Voter list of Sisua filed by the applicant is an old Voter list. He had established a Rice Huller earlier on rent basis in the village Sisua and on this account, his name was shown in the Voter list under Annexure-2. In fact, even the name of the applicant Anil Kumar Nayak finds place in the Voter's list of Village Sisua under Annexure-A. In the new voters' list of village Rajualibindha, the name of this Respondent No. 3 finds place under Sl. No. 1. This apart, in the electoral Card issued on 25.1.92, his name shown as a resident of Village Rajualibindha. This apart, in village Rajualibindha, he has joint lands along with his agnate vide ROR under Annexure-B.

These facts, as mentioned in the counter, have not been refuted by the applicant through any rejoinder. We, therefore, accept the facts mentioned in the counters supported by Annexures therein, as correct. Even otherwise, as per the law laid down by the Apex Court, a person, other than the post village is also eligible for selection and appointment as EEAgent.

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3. For the reasons discussed above, we do not see any merit in this application which is accordingly dismissed. NO costs.

Somnath Som  
(SOMNATH SOM)  
VICE-CHAIRMAN  
18.3.99

18.3.99  
(G. NARASIMHAM)  
MEMBER (JUDICIAL)

KNM/CM.