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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH CUTTACK

Original Application No. 535 of 1992.

Date of Decision: September 23, 1993.

Rabinarayana Pati

Applicant(s)

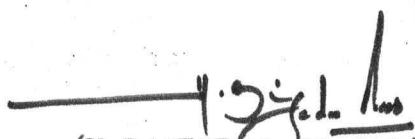
Versus

Union of India and others

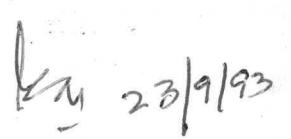
Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? *NO*
2. Whether it be circulated to all the Benches  
of the Central Administrative Tribunals or not ? *NO*

  
(H. RAJENDRA PRASAD)  
MEMBER (ADMINISTRATIVE)

23 SEP 93

  
(K.P. ACHARYA)  
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

Original Application No. 535 of 1992

Date of decision: September 17, 1993

Rabinarayana Pati .... Applicant

Vs.

Union of India & Others .... Respondents

For the Applicant ... M/s. B.B. Ratho,  
Antaryami Rath,  
B.N. Rath,  
J.N. Rath,  
S.N. Mohapatra,  
S.K. Ghosh,  
S.K. Jethy,  
Advocates.

For the Respondent 1 ... M/s. M. Mishra,  
(1 & 2) U.C. Patnaik,  
B. Mishra

For the Respondents ... Mr. Ashok Misra, Senior  
(1 & 2) Standing Counsel (Central).

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CORAM:

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

A N D

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

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JUDGMENT

K. P. ACHARYA, VICE CHAIRMAN; In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioner prays for cancellation of the selection of Shri Ramanath Sahu, Opposite Party No. 3 and to direct the Opposite Parties for initiation of appropriate action against the Superintendent of Post Offices who <sup>have</sup> ~~by~~ made the appointment illegally. and to reconsider the case of the petitioner for appointment to the post of  
V.D.

Extra Departmental Branch Post Master, Ambagua.

3. Shortly stated the case of the petitioner is that in response to the letter No.B/Ed-104 dated 4th December, 1990, the petitioner had made an application for appointment to the post of Extra Departmental Branch Post Master, Ambagua Branch Post Office. Again the Superintendent of post Offices in the letter No.B/ED-104 dated 15/17.1.1992 issued a fresh notice inviting applications to fillup the said post.

Petitioner was one of the applicants. Opposite Party No.3 was selected and appointed for which this application has been filed with the aforesaid prayer.

4. In their counter, the Opposite Parties maintained that the Petitioner is a owner of a Bus bearing No.OSX 7644 to support his income of Rs.24,000/-annually and Opposite Party No.3 had no agricultural land to support his income of Rs.30,000/- from the agricultural land as shown in the Income Certificate. Since neither the petitioner nor the Opposite Party No.3 had furnished any income certificate from the agricultural land, a second attempt was made for selection of the post in question. Petitioner furnished a certificate that his income from the agricultural land is Rs.15,000/-and Opposite Party No.3 had also furnished a certificate that his income is Rs.5000/-from the agricultural land. The lands about which certificate was furnished was mortgaged and it was classified as barnyard and unproductive of any agricultural input.

The selection could not be completed and the case was referred to the Post Master General, Berhampur. The Post Master General directed for production of the land records standing in the name of the respective parties. Marks obtained by the Petitioner and Opposite Party No.3 along with the extent of land held by each of them was furnished. The competent authority selected opposite party no.3 on the basis of the marks obtained by him. Hence, the case being devoid of merit is liable to be dismissed.

4. We have heard Mr. B. N. Rath learned counsel for the petitioner, Mr. M. Mishra learned counsel for the Intervenor and Mr. Ashok Misra learned Senior Standing Counsel (Central) appearing for the Opposite Parties 1 and 2. The appointing authority had considered all aspects and has given appointment to Opposite Party No.3 after being satisfied that Opposite Party No.3 complies with the criteria laid down for appointment. In the absence of any proof of mala fide, we do not like to interfere. That apart the petitioner is plying a Bus from Aska to Bhubaneswar. We have grave doubts as to whether he can be able to devote his whole ~~attention~~ <sup>hearted</sup> attention to the post in question and that apart owner of a

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Bus is less in need of money than another person who is in dire need of some source of income for sustinance of his livelihood. Therefore, we are of opinion that the Opposite Party No. 3 was rightly selected to the post in question. Hence we find no merit in this application which stands dismissed. No costs.

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Member (Administrative)  
23 SEP 93

*.....  
B.L.G. 23.9.93.*

.....  
Vice-Chairman

Central Administrative Tribunal,  
Cuttack Bench/K. Mohanty/23.9.93.

