

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.187 OF 1993
Cuttack this the 07th day of March, 2000

Dinakrushna Mohanta

Applicant(s)

-Versus-

Union of India & Others

Respondent(s)

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not ? 4/7
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? No

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
7.3.2000



7.3.2000
(G. NARASIMHAM)
MEMBER (JUDICIAL)

6

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 187 OF 1993
Cuttack this the 07th day of March, 2000

CORAM:

THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND
THE HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)
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Dinakrushna Mohanta,
aged about 26 years,
Son of Harekrushna Mohanta
Village and PO: Rasamtala
Via: Karanjia, Dist: Mayurbhanj

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Applicant

By the Advocates : M/s.R.N.Naik
A.Deo, B.S.Tripathy
P.Panda

-Versus-

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1. Union of India, represented by its
Secretary, Department of Posts
Dak Bhawan, New Delhi
 2. Chief Post Master General,
Orissa Circle, At/Po: Bhubanewar
District: Khurda
 4. Superintendent of Post Offices
Mayurbhanj Division,
At/Po: Baripada
District : Mayurbhanj
 4. Ambika Prasad Mohanta, aged 24 years
Son of Arjuna Mohanta
Village and PO: Rasamtala
Via: Karanjia, Dist: Mayurbhanj

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Respondents

By the Advocates : Mr.A.K.Bose
Sr.Standing Counsel
(Central)

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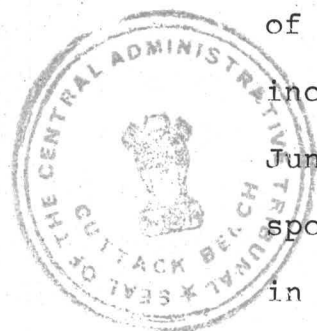
2

ORDER

MR.G.NARASTMHAM, MEMBER(JUDICIAL): Applicant, Dinakrushna Mohanta challenges selection and appointment of Respondent No.4(Ambika Prasad Mohanta) to the post of Extra Departmental Branch Post Master, Rasamtala Branch Office on the ground that Res.4 had not passed Matriculation and that even though the applicant's name was sponsored by the Employment Exchange and even though he passed Matriculation his candidature was not considered.

2. Respondent No.4 though duly noticed had neither appeared nor filed any counter.

3. The stand of the Department is that this post of E.D.B.P.M. fell vacant in December, 1992 because of the resignation of Bijaya Kumar Mohanta, the then incumbent. By letter dated 8.1.1993(Annexure-R/1) the Junior Employment Officer, Karanjia was addressed to sponsor names of eligible candidates latest by 8.2.1993 in accordance with the instruction of D.G.(P&T) in letter dated 4.9.1982(Annexure-R/2). The Junior Employment Officer, Karanjia in letter dated 22.1.1993(Annexure-R/3) sponsored names of nine eligible candidates including that of Res.4 and this was received in the Office of Res.3 on 1.2.1993, i.e. within the stipulated date of 8.2.1993 prescribed as per the instruction of D.G.(P&T) under Annexure-R/2. Thereafter all the candidates were addressed letters by Res.3 on 2.2.1993(Annexure-R/4) to apply for the post in the enclosed proforma fixing the ^{date} last of receipt of applications as 21.2.1993. Thereafter the Junior Employment Officer, Karanjia, suo motu and without any further request from Res.3 in letter dated

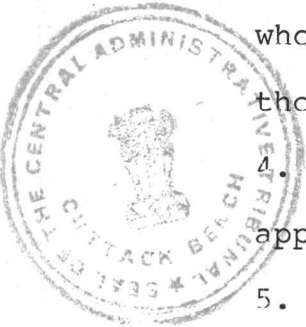


10.2.1993 sponsored eight more names including that of applicant. Since there was no request for further sponsoring names of the candidates and since the Employment Officer suo motu sponsored those additional names in letter dated 10.2.1993, i.e. beyond the stipulated date of 8.2.1993, names of those additional candidates were not considered because the same was not permissible under the rules in force. In response to letter dated 2.2.1993 (Annexure-R/4) seven candidates out of the nine candidates originally sponsored by the employment exchange applied for the post. Out of the seven candidates applications of five candidates were defective because of non compliance of the conditions mentioned in the prescribed proforma enclosed to the applications and out of remaining two candidates Res.4, who secured higher marks in the H.S.C. examination, though plucked than his opponent was preferred.

4. No rejoinder has been filed by the applicant to the counter.

5. On the day the matter was fixed for peremptory hearing, none from the side of the applicant appeared. Hence Shri A.K.Bose, learned Sr.Standing Counsel appearing for the departmental respondents was heard and the record was perused.

6. The departmental instructions under Annexure-R/2 dated 4.9.1982 is clear that requisition has to be sent to the Employment Exchange having jurisdiction over the area requesting nomination of suitable candidates for the post within a period of 30 days from the date of sending requisition to the Employment Exchange for nomination of candidates to the concerned



9

4

authority. It has been further clarified that in case no nominations are received from the Employment Exchange regarding the candidates as per requirements within the stipulated period of 30 days, it would be open to the competent authority recruiting authority to make selection from other applicants in accordance with the existing procedure. In other words, instructions are clear that the concerned Employment Officer has to be sponsor names within 30 days from the date of requisition and in case no such nomination is received within the stipulated period, only then other candidates applying direct for the post should be considered. In the instant case within the stipulated period of 30 days the Employment Officer had sponsored names of nine candidates and thereafter, suo motu and that too beyond the stipulated period he had sponsored some more names including that of the applicant. Hence the Department was justified in not considering these additional names in view of prevailing departmental instructions as discussed above.

By the relevant time, the minimum educational qualification for appointment to the post of F.D.B.P.M. was 8th Class passed though preference would be given to Matriculates. Hence we do not see any illegality or irregularity in selection and appointment of Res. 4 to the post of Extra Departmental Branch Post Master, Rasamtala.

7. In the result, we see no merit in this application which is accordingly dismissed, but no order as to costs.

(SOMNATH SOM)
VICE-CHAIRMAN

7.3.2017
(G. NARASIMHAM)
MEMBER (JUDICIAL)