

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 25 OF 1993.

Cuttack, this the 26th day of April, 1999.

Niranjan Sahoo.

....

Applicant.

-Versus-

Union of India & Others.

....

Respondents.

(FOR INSTRUCTIONS)

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

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(G. MARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN

26.4.99

Central Administrative Tribunal
Cuttack Bench, Cuttack.

Original Application No. 25 of 1993.

Cuttack this the 26th day of April, 1999.

C O R A M:

THE HONOURABLE MR. SOM NATH SOM, VICE-CHAIRMAN

AND

THE HONOURABLE MR. G. MARASIMHAM, MEMBER (JUDL.)

....

Miranjan Sahoo, aged about 31 years,
Son of Shri Satrughna Sahoo,
At/Po. Jasuapalli, Via. Mahakalapada,
Dist. Cuttack.

... ...

Applicant.

By legal Practitioner : M/s. Devanand Mishra, R. N. Naik,
A. Deo, B. S. Tripathy, P. Panda,
Advocates.

-Versus-

1. Union of India represented by its Secretary,
in the Department of Posts, Dak Bhawan, New Delhi.
2. Chief Postmaster General, Orissa Circle,
Bhubaneswar, Dist. Khurda.
3. Senior Superintendent of Post Offices,
Cuttack North Division, Cuttack.
4. Sub-Divisional Inspector (Postal),
Kendrapara, Dist. Kendrapara.
5. Shri Gobinda Chandra Patra, At/Po. Jasuapalli,
Via. Mahakalapada, Dist. Cuttack.

... Respondents.

By legal practitioner
for Respondents 1 to 4 : Mr. S. B. Jena, Additional Standing
Counsel (Central).

By legal Practitioner : M/s. S. Kr. Mohanty, S. P. Mohanty,
for Respondent No. 5
(Intervenor). Advocates.

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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 a direction to the respondents to consider the case of the applicant keeping in view of his educational qualification and experience in the post of Extra Departmental Branch Post Master, Jasupalli. Departmental Respondents have filed counter opposing the prayer of the Applicant. Selected candidate, Mr. G.C. Patra, who was not arrayed as Respondent, in this Original Application, was impleaded as an Intervenor and he has also filed counter opposing the prayer of the Applicant. Respondent No. 5 has also filed an Additional counter. We have heard Shri A. Deo, learned counsel for the Applicant, Shri S.B. Jena, Learned Additional Standing Counsel appearing for the Departmental Respondents 1 to 4 and Shri S.P. Mohanty, learned counsel appearing for the Respondent No. 5 Intervenor, and have perused the records. For the purpose of deciding this Original Application, it is not necessary to go into too many facts of this case. The present dispute relates to the selection and appointment to the post of E.D.B.P.M., Jasupalli. From the counter of the Respondents, it is seen that the case of the Applicant and Respondent No. 5, were considered by the Departmental Authorities and Respondent No. 5 was selected on the ground that he had obtained '269' marks out of '700' which works out to 38.42% and the applicant has secured '296' marks out of '800' which works out to 37%. According to the instructions of Director General of Posts, amongst eligible

J. Som.

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candidates, the person who has secured higher percentage of marks is to be selected and as Respondent No. 5, in this case, has secured higher percentage of marks in the Matriculation examination, the Departmental Authorities have done right by selecting him to the Post.

2. In view of this, we do not find any merit in this Original Application which is accordingly rejected but without any order as to costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOM NATH SOM)
VICE-CHAIRMAN
26.4.99

KNM/CM.