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CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 581 OF 1993  
Cuttack this the 1st day of October, 1999

Prasanta Kumar Rout

Applicant(s)

-Versus-

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

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

Somnath Som  
(SOMNATH SOM)  
VICE-CHAIRMAN  
1.10.99

1.10.99  
(G. NARASIMHAM)  
MEMBER (JUDICIAL)

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CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.581 OF 1993  
Cuttack this the 1st day of October, 1999

**CORAM:**

THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN  
AND  
THE HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)

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Prasanta Ku.Rout,  
S/o. Jadumani Rout,  
Qr.No.C.T.-4, P.O: Sector-4  
Rourkela - 2

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Applicant

By the Advocates : M/s.J.M.Mohanty  
P.K.Mohanty  
S.K.Mohanty

-Versus-

1. Union of India represented through its Secretary, Department of Posts  
New Delhi, Pin: 110001
2. Chief P.M.G., Bhubaneswar  
At/Po/PS: Bhubaneswar  
Dist: Khurda
3. Superintendent of Post Offices,  
Sundargarh, At/Po/PS/Dist: Sundargarh
4. Jhunu Parida
5. Kalika Manjari Behera
6. Annapurna Swain
7. Ratiranjan Pattnaik
8. Rama Chandra Jena
9. Jagabandhu Dalai
10. Johan Kerketta
11. Lilamani Lakra
12. Sidharth Kumar Panda

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Respondents

By the Advocates : Mr.S.B.Jena  
Addl.Standing Counsel  
(Central)

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ORDER

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MR.G.NARASIMHAM, MEMBER(JUDICIAL): Applicant, an E.D.Agent, in response to advertisement dated 25.5.1993 inviting applications for the post of Postal Assistants/Sorting Assistants had applied for the same. Under Annexure-5 dated 21.9.1993 list of successful candidates was published and the name of the applicant did not find place. Hence this application for quashing Annexure-5.

2. The case of the applicant is that he had applied for the post of Postal Assistant to be posted under the Sundargarh Postal Division. According to him, as per Annexure-3 dated 25.5.1993 Advertisement, the total number of such posts for this Division was nine and as per the departmental circular under Annexure-4 dated 3.8.1983, 50% of the total number of vacancies will have to be reserved for the in service candidates, like, E.D.Agents and this instruction was not being followed by the department in publishing the result under Annexure-5.

3. Respondents 4 to 12 are candidates whose name find place in Annexure-5. Respondents 1 to 3 constitute the Department.

Respondents 4 to 12 though duly noticed had not entered appearance or contested.

The stand of the departmental respondents in their counter is that under Annexure-4 there is no mention to reserve 50% outside quota for E.D.Agents only. Further out of the total number of 9 posts, it has been made clear in the advertisement itself that only five posts are unreserved. Out of the remaining four, one is

8 reserved for S.C., two for S.T. and one for Ex-serviceman. Respondent 9, viz., Jagabandhu Dalai has been selected in respect of the vacancy reserved for S.C. Respondents 10 and 11 have been selected under S.T. quota and Res.12 under quota meant for Ex-serviceman. Res. 4 to 8 have been selected against five reserved posts. Applicant, though within the eligible age group, even after allowing 10% bonus marks, as per the condition notified in para-4(2) of Annexure-3, the advertisement, percentage of marks came to 48.05 only which is far less than the No.1 selected candidate in the waiting list, whose percentage of marks is 68.07%. Hence selection of the applicant did not arise.

4. No rejoinder has been refuting the averments made in the counter.

5. We have heard Shri J.M.Mohanty, learned counsel for the applicant and Shri S.B.Jena, learned Addl. Standing Counsel appearing for the departmental respondents. Also perused the records.

Annexure-4, the circular dated 3.8.1983 nowhere lays down that 50% outside quota in the recruitment of Postman is meant only for E.D.Aagents. All that it speaks that E.D.Aagents within the required qualification and age are eligible to appear in the recruitment as against 50% outside quota. This is clear from the reading of Annexure-4.

Percentage of marks awarded to Res.4 to 12, as appearing under Annexure-5 has not been disputed. It is also not in dispute that assessment of percentage of marks in respect of the applicant is 48.05% which is far

less than 68.07% in respect of no.1 candidate appearing in the waiting list. In this view of the matter, we do not agree with the applicant that he was illegally not considered for appointment.

In the result we do not see any merit in this application which is accordingly dismissed, but without any order as to costs.

Somnath Som  
(SOMNATH SOM)  
VICE-CHAIRMAN  
10.10.79

1.10.79  
(G. NARASIMHAM)  
MEMBER (JUDICIAL)

B.K.SAHOO