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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 674 OF 1993.

Cuttack this the 26th day of August, 1999.

Nirmal Chandra Das. ... Applicant.

Versus.

Union of India and 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*

LI
(G. NARASIMHAM)
MEMBER(JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
26.8.99

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.674 OF 1993

Cuttack, this the 26th day of August, 1999

CORAM:

HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN

AND

HON'BLE SHRI G.NARASIMHAM, MEMBER (JUDICIAL)

.....

Nirmal Chandra Das,
Son of Late Sibasankar Das
aged about 42 years, resident of
village/Po. Jamalpur, Via-Jaleswar,
Dist. Balasore

Vrs.

..... Applicant
Advocates for applicant-M/s R.N.Naik, A.Deo
B.S.Tripathy
P.Panda, D.K.Sahu

1. Union of India, represented by
Secretary, Deptt. of Posts,
Min. of Communication, Dak Bhawan
New Delhi.
2. Chief Post Master General,
Orissa Circle, Bhubaneswar, Dist. Khurda
3. Superintendent of Post Offices,
Balasore Division, Balasore
4. Sub-Divisional Inspector (Postal),
Jaleswar Sub-Division, Jaleswar,
Dist. Balasore
5. Srikanta Pradhan, aged about 25 years,
S/o late Radhakrushna Pradhan,
At/Po./Jamalpur Via-Jaleswar
Dist. Balasore

..... Respondents

Advocate for respondents: Mr. A.K. Bose,
Sr. S.C.

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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, applicant has prayed for a direction to the Respondents to produce the file dealing with the selection and appointment of Srikanta Pradhan, Respondent No. 5 in the post of EDBPM Jamalpur Branch Post Office and for quashing the appointment of Respondent No. 5. The second prayer is for a direction to the Departmental Respondents to consider the case of applicant for the post of E.D.B.P.M., Jamalpur. Applicant has stated that his name was sponsored by the Employment Exchange for the post. The name of Respondent No. 5 was not sponsored by the Employment Exchange but even then his application was considered. It is also stated that a Criminal case is pending against Respondent No. 5. It is further stated that the applicant has got more landed property than Respondent No. 5 and that ^{JSom} his how the applicant has stated that Respondent No. 5 has been wrongly selected ignoring the case of applicant and for which he has come up in this Original Application with the prayers referred to earlier.

JSom
2. Respondents, in their counter have stated that on being moved the Employment Exchange, the Junior Employment Officer, Jaleswar, sent ten names including the name of applicant. Name of Respondent No. 5 was not forwarded by the Employment Exchange. He filed an Original Application No. 575 of 1993 before this Tribunal and the Tribunal in

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their order dated 16.10.1993 directed the Departmental Authorities to consider the candidature of Respondent No.5 for the post. Departmental Authorities have stated that in strict compliance with the order of this Tribunal in OA No 575 of 1993, the candidature of Respondent No.5 was taken into consideration. They have also stated that Respondent No.5 has secured higher marks than all other candidates including applicant ^{in the matriculation examination} and that is how Respondent No.5 has been selected. On the above grounds, the Departmental Authorities have opposed the prayer of applicant.

3. Respondent No.5 was issued with notice but neither he appeared nor filed counter.

4. This matter has come up for hearing today from the warning list notified more than a month ago. To-day when the matter was called, learned counsel for applicant and his associates were absent nor was any request made on their behalf seeking adjournment. As in this case pleadings have been completed long ago, it was not possible to drag on the matter indefinitely. We have, therefore, heard Mr. A.K. Bose, learned Senior Standing Counsel for the Departmental Respondents and have perused the records.

J. Som

5. From the counter filed by the Departmental Respondents, copy of which has also been served on the learned counsel for the petitioner, it is clear that the case of Respondent No.5 has been taken into consideration strictly in compliance with the earlier order of this Tribunal. In view of this, no illegality has been committed by the Departmental Authorities in considering the case of Respondent No.5.

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6. Secondly amongst all the candidates including the applicant and Respondent No.5, Respondent No.5 has got highest marks in HSC examination and therefore, according to the circular of DG Posts, he has been found ^{to be} more meritorious. Therefore, the selection and appointment of Respondent No.5 can not be faulted.

7. In view of this, we hold that the applicant has not been able to make out a case for the reliefs claimed by him in this Original Application which is accordingly rejected but without any order as to costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHIEF CLERK
28.8.99

KNM/CM.