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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 252 OF 1994.

Cuttack, this the 23rd day of June, 2000.

CHAI TAN SETHI.

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APPLICANT.

VERSUS

UNION OF INDIA & OTHERS.

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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*

(G. NARASIMHAM)
MEMBER(JUDICIAL)

(SONNATH SOM)
VICE-CHAIRMAN & *100*

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 252 OF 1994.

Cuttack, this the 23rd day of June, 2000.

C O R A M:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN

AND

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

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CHAITAN SETHI,
S/o, Late Radhu Sethi,
of Village/PO:Nahantara,
Ps/Munsiffi:Nimapara, Dist:Puri.

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APPLICANT.

By legal practitioner: M/s. Ashok Mohanty,
T. Ratho, M. R. Kaz,
Advocates.

- Versus -

1. Union of India represented through
the Chief Postmaster General, Orissa,
Bhubaneswar, At/PO:Bhubaneswar,
Dist;Khurda.
2. The Senior Superintendent of Post Offices,
Bhubaneswar Division, Bhubaneswar, Dist;Khurda.
3. The Assistant Superintendent of Post Offices,
Bhubaneswar, At/PO/Bhubaneswar, Dist;Khurda.
4. Hemant Kumar Swain, at present Extra Departmental
Branch Postmaster , Nahantara, PO:Nahantara,
Ps;Munsiffi, Nimapara, Dist:Puri.

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RESPONDENTS.

By legal practitioner : M/s.U.B. Mohapatra, Addl. Standing
For Respondents 1 to 3. Counsel (Central).

By legal practitioner : M/s. P.K. Mishra, Smt. Prativa Mishra,
For Res. No. 4. S.K. Ojha, 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 quashing the appointment of Respondent No. 4 as EDBPM, Nahantara Branch Post Office and to give effect to the order of appointment dated 19.1.1999 issued to the applicant for the above post. The Departmental Respondents and Respondent No. 4 have filed counter opposing the prayer of the applicant. For the purpose of considering this Original Application, it is not necessary to go into too many facts of this case.

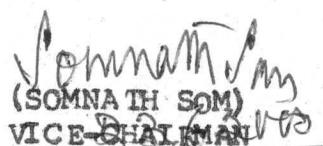
2. The admitted position is that for the post of EDBPM, Nahantara Branch Post Office, applicant and Res. No. 4 were considered and initially the applicant was selected. Respondent No. 4 challenged the appointment of applicant by filing Original Application No. 335/1991 which was disposed of on 21-7-1993. The Tribunal directed that the allegations made by Respondent No. 4 with regard to the appointment order issued to the applicant should be enquired into by deputing a higher officer. Accordingly this was enquired into and it was found that the applicant has been wrongly appointed ignoring more deserving candidates. When the matter was decided,

3. We have heard Mr. Ashok Mohanty, learned counsel for the applicant and Mr. U. B. Mohapatra, learned Additional Standing counsel appearing for the Respondents and have also perused the records.

4. Applicant is a non-matric whereas Respondent No. 4 is a matriculate. At the relevant point of time, the minimum qualification for appointment to the post of EDBPM was Class. VIII pass. Though the instructions provided that preference should be given to those having matriculation qualification and any qualification beyond matriculation should be ignored. After enquiry, as per the direction of the Tribunal, Departmental Authorities have found that even though the applicant was a non-matric, he was given appointment ignoring the case of other candidates, who are matriculates particularly Respondent No. 4. On the above ground, applicant's appointment was cancelled. We find no infirmity in this. After cancellation of the order of appointment of the applicant by a process of fresh selection, Respondent No. 4 was selected for being more meritorious. Applicant has not mentioned that he is more meritorious than the Respondent No. 4. In view of this, we hold that his prayer for quashing the appointment of Respondent No. 4 is without any merit.

5. In the result, therefore, we hold that the applicant is not entitled to get any of the reliefs and the Original Application is dismissed. No costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)


(SOMNATH SOM)
VICE-CHAIRMAN

KNM/CM.