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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

O.A. No. 256 OF 1994

Dateack this the 26th August, 1994

Dillip Kumar Rout Applicant
Vs.
Union of India and Others... ... Respondents

(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters or not? *no*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not? *no*

H. Rajendra Prasad
(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

26 AUG 94

D. P. Hiremath
(D. P. HIREMATH)
VICE CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH.

Original Application No. 256 of 1994

Cuttack, this the 26th day of August, 1994.

CORAM:

THE HONOURABLE MR. JUSTICE D.P. HIREMATH, VICE CHAIRMAN

AND

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

....

Dillip Kumar Rout, aged about 23 years,
son of Ganeswar Rout,
At: Dhanasola, PO: Panasapada,
Via: Amarda, Dist-Mayurbhanj.

... Applicant

By the Advocates ... M/s. Deepak Misra, A. Deo,
B.S. Tripathy, P. Panda,

Versus

1. Union of India, represented by its Secretary, Department of Posts, Dak Bhavan, New Delhi.
2. Chief Postmaster General, Orissa Circle, At/Po-Bhubaneswar, Dist-Khurda.
3. Superintendent of Post Offices, Mayurbhanj Division, At/Po: Baripada, Dist-Mayurbhanj.
4. Assistant Superintendent of Post Offices, in charge Baripada Central Sub Division, At/Po-Baripada, Dist-Mayurbhanj.
5. Akshya Kumar Mandal, son of not known, At: Baripada, PO:-Panasapada, Vill:-Amarda, District:-Balasore.

... Respondents

By the Advocate Shri Ashok Mishra, Senior Standing Counsel (Central).

O R D E R


D. P. HIREMATH, V.C.,

The applicant herein challenges the order of Respondent No.3 appointing Respondent No.5 as the Extra Departmental Delivery Agent Cum Extra Delivery Mail Carrier, by virtue of the selection made on 28.4.1994. As the records show, only two candidates were left to be considered after scrutiny and conducting the examination required to be held. The grievance of the petitioner has been that his father was medically invalidated ^{due to} to work as Extra Departmental Delivery Agent ^{was} and ~~has~~ given substitute for morethan 500 days. Undisputedly, meritwise, respondent No.5 stands better inasmuch as he passed Matriculation in the very year when he ~~was~~ appeared and secured more number of marks than the applicant. The applicant, however, passed by instalments and what the Department calls 'Compartmental wise'. ^{That's} ~~Just~~ the only favourable factor in favour of the petitioner is that his father worked in the same Department and was invalidated ~~on~~ the medical ground. The various circulars and Executive orders of the Department have been placed before us by Shri Ashok Mishra for the Respondents which clearly show that such a ground of medical invalidation should not weigh

in favour of a candidate in preference to a candidate who is found better on merit. That being so, we do not find any merit in this application. The same is dismissed. No costs.


MEMBER (ADMINISTRATIVE)

26 AUG 94


VICE-CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench, Cuttack/K. Mohanty/
August 26, 1996.