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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH; CUTTACK.

ORIGINAL APPLICATION NO. 602 OF 1994.  
Cuttack, this the 24th day of May, 2000.

KUMARI KALPANA BEHERA.

...

APPLICANT.

VRS.

UNION OF INDIA & ORS.

....

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*

*J. S. Dhaliwal*  
(J. S. DHALI WAL)  
MEMBER (JUDICIAL)

*Somnath Som*  
(SOMNATH SOM)  
VICE-CHAIRMAN  
*S. S. Som*

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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH; CUTTACK.

ORIGINAL APPLICATION NO. 602 OF 1994.  
Cuttack, this the 24th day of May, 2000.

CORAM:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN

AND

THE HONOURABLE MR. J.S. DHALIWAL, MEMBER (JUDICIAL).

KUMARI KALPANA BEHERA,  
Daughter of Nabin Chandra Behera,  
At/Po; Katra Chandanpur, Ps. Bangriposi,  
Dist. Mayurbhanj.

: Applicant.

By legal practitioner ; M/s. A. Deo, B.S. Tripathy, Advocate.

- Versus. -

1. Union of India represented by its Secretary,  
In the Ministry of Communications, Department  
of Posts Dak Bhawan, New Delhi.
2. Chief Postmaster General, Orissa Circle,  
Bhubaneswar, Dist; Khurda.
3. Superintendent of Post Offices,  
Mayurbhanj Division, Baripada,  
Dist. Mayurbhanj.
4. Jagadish Chandra Behera,  
At/Po; Katra Chandanpur,  
Ps; Bangriposi,  
Dist; Mayurbhanj.

: Respondents.

By legal Practitioner; Mr. A.K. Bose, Senior Standing Counsel .

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*S. Som.*

O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:

In this Original Application, the applicant has prayed for quashing the order at Annexure-7 selecting Respondent No. 4 as EDBPM, Katra Chandanpur Branch post office and for a direction to the Departmental Respondents to consider her case for the said post.

2. Applicant's case is that she is eligible to be appointed to the post of EDBPM, Katra Chandanpur Branch Post Office and as her name was not sponsored by the Employment Exchange, she approached this Tribunal in Original Application No. 400/1994 which was disposed of in order dated 7.7.1994 (Annexure-1). The Tribunal directed that in case the selection has not been finalised in the meantime, the candidature of the applicant should be considered alongwith others. Her grievance is that she has got higher marks than the selected candidate but her case has been ignored.

3. Departmental Respondents have filed counter opposing the prayer of the applicant. Private Respondent No. 4 was issued with notice but he did not appear nor file counter. When the matter was called, learned counsel for the applicant and his associate were absent nor was any request made on their behalf seeking adjournment. As this is a 1994 matter, it was not possible to drag on the matter indefinitely. We have, therefore, heard Mr. A.K. Bose, learned Senior Standing Counsel (Central) appearing for the Departmental Respondents and have also perused the records.

4. Departmental Respondents have pointed out that the last date of submission of application was 7.7.1994 but the application

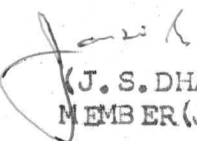
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of the applicant for the post of EDBPM was received by the Department only on 27.7.1994, i.e. much after the last date of receipt of application. As by that time Departmental Authorities had not finalised the selection the candidature of the applicant was considered along with others. From the pleadings of the parties we find that the applicant obtained the order dated 7.7.1994 from this Tribunal in OA No. 400/1994 by making a patently false averments. It was stated by the applicant in OA No. 400/94 that only two candidates have been sponsored by the employment exchange. Tribunal directed that if employment exchange had sponsored only two names then the Supdt. of Post Offices, should take action to re-notify and publish the notice before finalising the selection and if the selection has not been finalised, the candidature of the applicant should be considered. Departmental Respondents have pointed out that the employment exchange actually sponsored eleven candidates and all those eleven candidates were asked to submit detailed application with necessary documentation. In response, out of the eleven candidates, seven candidates applied within the time limit fixed. From this it is clear that the applicant had come up an earlier OA and by making false allegation that the employment exchange had sponsored only two names got an order. In view of this, she cannot claim that her candidature should have been considered by the Departmental Authorities even though she had filed the application much after the last date. In view of this, it is not necessary to go into the other aspect of the matter.

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Applicant's case is that she has got more marks than the Respondent No. 4. Departmental Authorities have pointed out that the applicant had submitted three Income certificates out of which two in the name of her father and one in her own name showing different levels of Income which made these documents highly suspect. It is not necessary to consider this point because it is clear that the applicant obtained an order from this Tribunal by making a false <sup>allegation</sup> allegation. In view of this, she can not claim that she should have been considered in the selection and should be appointed. In view of this, prayer of the applicant is found to be without any merit and is rejected. In consideration of such false allegation made by the applicant we also order that the Departmental Authorities should not consider the applicant in any ED post in future.

5. In the result, with the observations and directions made therein the O.A. is rejected. No costs.

  
(J. S. DHALI WAL)  
MEMBER (JUDICIAL)

  
(SOMNATH SOM)  
VICE-CHAIRMAN

KNM/CM.