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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 799 OF 1994

Cuttack this the 25th day of September/2000

Ghana Shyam Singh ... Applicant(s)

-VERSUS-

Union of India & Others ... Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? ✓
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ?

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN

25.9.2000
(G. MARASIMHAM)
MEMBER (JUDICIAL)

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 799 OF 1994
Cuttack this the 25th day of September/2000

CORAM:

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

...

Shri Ghana Shyam Singh
aged about 26 years
Son of Mangal Singh,
At - Thakurtota, PO: Ambagadia
Via - Baisinga, Dist: Mayurbhanj

...

By the Advocates

Applicant

M/s.R.N. Naik
A.Deo
B.S.Tripathy
D.K.Sahoo

-VERSUS-

1. Union of India represented by the Secretary, Ministry of Communication, Department of Posts, Dak Bhawan, New Delhi
2. Chief Post Master General, Orissa Circle, Bhubaneswar, Dist - Khurda
3. Post Master General, Sambalpur Region, Sambalpur
4. Sub-Divisional Inspector (Postal) East Sub-Division, Baripada-757001 At/PO Baripada, Dist - Mayurbhanj
5. Kartik Chandra Roul
Son of Sanyasi Roul
At/PO: Ambagadia,
Via - Baisinga,
Dist - Mayurbhanj

...

Respondents

By the Advocates

Mr. A.K. Bose
Sr. Standing Counsel
(Central)

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O R D E R

MR .G .NARASIMHAM, MEMBER (JUDICIAL) : Applicant, Respondent No.5 and two others had applied for the post of Extra Departmental Mail Carrier, Ambagadia Branch Office and Respondent No.4, the appointing authority ultimately selected and appointed Res. 5 in order dated 4.7.1994 (Annexure-7). Under relevant rules then prevailing, a candidate in order to be eligible for the post must have passed 8th Standard, though pass in Matriculation may be preferred and must be a resident in the station of the main post office or resident in any of the stations of the delivery jurisdiction of the post office.

2. The applicant assails the appointment of Respondent No.5 claiming that he is a permanent resident of Thakurtota within the delivery jurisdiction and more qualified being a Scheduled Tribe read upto Class - X whereas Respondent No.5 belonging to general caste only read upto Class - IX.

3. Respondent No.5 though duly noticed had not entered appearance. Plea of the Department is that the applicant a resident of Thakurtota is not under the delivery jurisdiction of the Branch Post Office in question, but under the delivery jurisdiction of Raghupur Branch Office. The post was also not reserved for S.T. as by then representation of the S.T. community in the posts had not fallen short as per departmental rules and regulations.

4. No rejoinder has been filed.

5. We have duly noted the submissions made by Shri A.K. Bose, the learned Senior Standing Counsel and perused the records.

6. In this application for the post under Annexure-R/7

the applicant clearly mentioned the word 'No' as against the relevant Column 1(g) of the application form as to whether he belongs to the Post village or any of the villages served by the Post Office to which recruitment is made. Even if place of residence cannot be a criterion in view of the Apex Court ruling in the matter, it cannot be said that the applicant being a Scheduled Tribe should have been given preference because the post was ^{not} reserved for S.T. candidate. Nor can he be treated as better qualified because he is a failed H.S.C.(X) candidate (Vide Annexure/3), because under the rules only Matriculation or equivalent pass is a better qualification than pass in VIII Standard. It is also not the case of the applicant that in VIII standard pass he had secured higher percentage of marks than Respondent No.5, who admittedly belongs to the post village. We, therefore, do not come across any ground for selection and appointment of Respondent No.5.

7. In the result, the application fails and is dismissed.

No costs.

Somnath Sow
(SOMNATH SOW)
VICE-CHAIRMAN

25.9.2000
(G. NARASIMHAM)
MEMBER (JUDICIAL)

B.K.SAHOO//