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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 837 OF 1994.

Cuttack, this the 20th day of November, 2000.

Shri Arabinda Nayak.

Applicant.

Vrs.

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

(G. NARASIMHAM)
MEMBER (JUDICIAL)

SOMNATH SOM
VICE-CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO.837 OF 1994.
Cuttack, this the 20th day of November, 2000-

CO RAM:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN
AND
THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDICIAL).

Shri Arabinda Nayak,
Aged about 30 years,
Son of Shri Narendra Nayak,
At-Daitari,
Po: Talapada,
Dist: Keonjhar.

... **Applicant.**

By legal practitioner M/s.R.N.Naik, A.Deo, B.S.Tripathy,
P.Panda, P.K.Mishra, Advocates.

-Vrs -

1. Union of India represented by its Secretary, Department of Posts, Dak Bhawan, New Delhi.
2. Chief Postmaster General, Orissa Circle, Bhubaneswar, Dist: Khurda.
3. Superintendent of Post Offices, Keonjhar Division, Keonjhar.
4. Sub-Divisional Inspector (Postal), Ghatagaon, Dist. Keonjhar.
5. Arun Kumar Patra, Vill. PO: Kansa, Dist. Keonjhar.

RESPONDENTS.

By legal practitioner: Mr.J.K.Nayak, Additional Standing Counsel.

1 Jan.

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 selection of Respondent No.5 as E.D.B.P.M., Alutuma Branch Post Office on account with Kushaleswar Sub Post Office, under Keonjharagh Head Post Office. The second prayer of the applicant is for a direction to the Departmental Respondents to make the selection afresh and consider the case of the applicant.

2. Respondents have filed counter opposing the prayers of the Applicant. Counter has been received by the counsel for the applicant on 9.2.1995 but no rejoinder has been filed.

3. When the matter was called, learned counsel for the applicant and his associates were absent. No request was also made on their behalf seeking adjournment. As this is a 1994 matter, where pleadings have been completed long ago, it is not possible to drag on the matter indefinitely. We have, therefore, heard Mr. J. K. Nayak, learned Additional Standing Counsel (Central) appearing for the Departmental Respondents and have perused the records.

S. Som. 4. The admitted position is that for filling up of the post of EDBPM, Alutuma Branch Post Office, the applications were invited on 18.4.1994 giving 21.6.1994 as the last date of receipt of applications. It is also the admitted position that the applicant and Respondent No.5 alongwith two others applied for the post. Admittedly amongst these four persons,

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applicant had secured highest percentage of marks in the H.S.C. Examination but instead of selecting the applicant, respondent no.5 was selected. The Departmental Respondents have pointed out that alongwith the application, the applicant has submitted an income certificate which could not be relied upon. Respondents have stated that the income certificate submitted by the applicant at Annexure-R/3 shows that the certificate has been purportedly issued by the Subcollector Keonjhar on 16.6.1994 but in this certificate, someone has signed on behalf of the Sub-Collector by writing for Sub-Collector. This income certificate also does not indicate any case number in which on the application of the applicant, this income certificate has been issued. Respondents have stated that in this certificate the income of the applicant has been shown as Rs.40,000/- per year from the source of Agency system of small Savings. Departmental Respondents have pointed out that in the notice inviting applications, at Annexure-1 it was mentioned that the applicant must have landed property of his own and particulars of the landed property should be furnished. Applicant did not furnish the particulars of the landed property and the Income certificate given by him which is at Annexure-R/3 did not also show that he has any income from the landed property. Applicant subsequently furnished another income certificate at Annexure-5 which has been issued by Tahasildar. In this Income certificate, his income has been shown as Rs.6,000/- and this certificate has been issued in Misc. Case No. 2303/94 on 18.8.94 much after the last date of receipt of applications. In view of this, the Respondents have not gone by the Income certificate enclosed by the applicant, which is at Annexure-R/3 and which has also been discussed ^{above} and on that ground the application of the applicant

^J.M.

was not considered. Amongst other three persons, Respondent no.5 has secured highest percentage of mark in HSC examination and accordingly, he was selected. We find no infirmity in the action of the Departmental Authorities. The Income certificate furnished by the applicant alongwith his Original Application, *prima facie* can not be relied upon because it has not been issued in any Misc. Case nor the Sub-Collector has signed it. Moreover, the Income certificate also does not reveal that the applicant has any income from any landed property. In view of this, Respondents have been right to cancel the candidature of the applicant.

5. In view of the above, we find no reason to cancel the selection of respondent no.5 and for a direction to the Departmental Authorities to undertake selection afresh taking into consideration the applicant case. The application is, therefore, held to be without any merit and is rejected. No costs.

(G.NARASIMHAM)
MEMBER(JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
20/10/76

KNM/CM.