

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK**

**ORIGINAL APPLICATION NO. 157 OF 1995  
Cuttack this the 28th day of June, 2000**

Prakash Chandra Das

...

Applicant(s)

-VERSUS-

Union of India & Others

...

Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to 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.*  
(SOMNATH SOM)  
VICE-CHAIRMAN  
*28/6/2000*

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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 157 OF 1995  
Cuttack this the 28th day of June, 2000

CORAM:

THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN

AND

THE HON'BLE SHRI G.NARASIMHAM, MEMBER (JUDICIAL)

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Prakash Chandra Das,  
aged about 23 years  
Son of Debendranath Das  
At: Simlipatna  
PO: Chandaka, Via: Barang  
District - Cuttack

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Applicant

By the Advocates

M/s.R.N.Naik  
A.Deo  
B.S.Tripathy  
P.Panda  
D.K.Sahu

-VERSUS-

1. Union of India represented by the  
Secretary, Department of Posts,  
Dak Bhawan, New Delhi

2. Chief Postmaster General, Orissa Circle  
At/PO: Bhubaneswar, Dist: Khurda

3. Senior Superintendent of Post Offices  
Bhubaneswar Division, At/PO: Bhubaneswar-751001  
District : Khurda

4. Senior Superintendent of Post Offices,  
Puri Division, At/PO/District - Puri

5. Senior Superintendent of Post Offices  
Koraput Division, Jeypore,  
At/PO: Jeypore, Dist - Koraput

6. Senior Superintendent of Post Offices,  
R.M.S. North Division, Cuttack  
P.O./District - Cuttack

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Respondents

By the Advocates

Mr.U.B.Mohapatra,  
Addl Standing Counsel  
(Central)

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O R D E R

(9)

MR. SOMNATH SOM, VICE-CHAIRMAN: In this Application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner has prayed for a direction to respondents for quashing the condition in the advertisement making the candidates having 10+2 Vocational Stream ineligible to apply for the post of Postal Assistant/Sorting Assistant. The case of the applicant is that he has passed H.S.C. and also 10+2 vocational stream course which has been declared equal to Plus II examination for the purpose of admission to Plus - 3 level. In view of this he submits that he is eligible for the post of Postal Assistant/Sorting Assistant and this condition in the advertisement providing that candidates having 10+2 standard of vocation stream is not eligible should be struck down.

2. Respondents have ~~fit~~ not filed any counter. It is submitted by Shri U.B.Mohapatra, learned Addl. Standing Counsel that counter has been filed on 25.8.1995. We have seen copy of counter retained by Shri Mohapatra. From this it does not appear that the same has been served on the other side. This matter came up on 10.2.2000 on which day it was recorded that counter has not been filed. In view of this the matter was listed on 6.4.2000 for hearing and final disposal. Thereafter further two adjournments have been given. Learned Addl. Standing Counsel has not brought to our notice that he had actually filed counter on 25.8.1995. At this stage counter cannot be taken into account, more so when there is nothing on record that copy of counter has been served on the other side. Respondents had filed M.A.207/95 on 20.3.1995 in which they had opposed the prayer of the applicant.

*SJOM*

3. When the matter was called Shri A.Deo, learned counsel for the applicant and his Associates were absent nor any request

was made on their behalf seeking adjournment. As this matter relates to the year 1995, it was not possible to drag on the matter indefinitely. We have, therefore, heard Shri U.B. Mohapatra, learned Addl. Standing Counsel appearing for the respondents and also perused the records.

4. In order dated 6.4.2000 it was directed that records of O.A.557/94 be should be linked up along with this O.A. We have seen records of O.A. 557/94 and we find that exactly the same point came up for consideration in that Original Application and disposed of on 28.3.2000. It was noted in the final order dated 28.3.2000 that a similar matter came up before the Bangalore Bench of the Tribunal in O.A. Nos.158, 171 to 178 and 473 of 1993 in which the petitioner took the stand that where 10+2 has been mentioned, vocational qualification should be taken into consideration. For reasons recorded in their order the Bangalore Bench rejected the contention and dismissed the Original Applications. Going by the decision/in our order dated 28.3.2000 we had also rejected the similar prayer which was made in O.A.557/94. In view of this we are no longer inclined to take a different view from the view already taken in O.A.557/94. In view of this we hold that the applicant has not been able to make out a case for any of the relief prayed for. The O.A. is held to be without any merit and the same is, therefore, rejected, but without any order as to costs.

(G.NARASIMHAM)  
MEMBER (JUDICIAL)

B.K.Sahoo//

*Somnath Som*  
(SOMNATH SOM)  
VICE-CHAIRMAN  
28.6.2000