

7

11

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: CUTTACK BENCH

Original Application No. 179 of 1995

Cuttack this the 19th day of September, 1995

Surya Narayan Ray ... Applicant (s)

Versus

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

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? No.
2. Whether it be circulated to all the Benches of the No. Central Administrative Tribunal or not ?


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

19 SEP 95

8

(12)

CENTRAL ADMINISTRATIVE TRIBUNAL: CUTTACK BENCH

Original Application No.179 of 1995

Cuttack this the 19th day of September, 1995

C O R A M:

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

...

Surya Narayan Ray, aged 25 years,
Son of Rabinarayan Sundar Ray
Mahapatra, At/PO: Chitalo,
PS/Munsif/Dist: Jajpur

Applicant

...

By the Advocate: Devashis Panda
Diptirekha Panda

Versus

1. Union of India, represented by
Secretary to Government of India,
Ministry of Communications,
New Delhi
2. Sr. Superintendent of Post Offices,
Cuttack North Division
At/PO/PS/Munsif/Dist: Cuttack
3. Asstt. Superintendent of Post Office I/c.
Jajpur Sub-Division
At/PO/PS/Munsif/Dist: Jajpur
4. Dinabandhu Rout, S/o. Dayanidhi Rout
At/PO: Chitalo,
P.S/Munsif/Dist: Jajpur

Respondents

...

By the Advocate: Mr. Ashok Mishra,
Sr. Standing Counsel (Central)

For Res. 1 to 3

...

Mr. B.K. Das

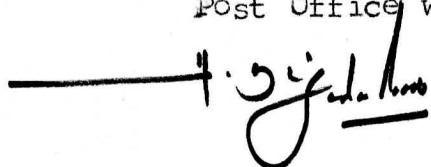
For Res. 4

...

O R D E R

MR. H. RAJENDRA PRASAD, MEMBER (ADMN): A new Extra Departmental Branch

Post Office was opened on 31.3.1994 in Chitalo village in



9

Jajpur Sub-Division of Cuttack (North) Postal Division. The District Employment Officer, Jajpur, was addressed to sponsor the names of suitable candidates for the post of Extra Departmental Branch Post Master. On 28.5.1994, the District Employment Officer forwarded eight names, including that of the applicant, Shri Surya Narayan Ray. On 26.9.1994, the applicant was addressed to submit a proper application in the prescribed form along with the necessary supporting documents. On 21.10.1994, the applicant duly submitted the application. Shri Dinabandhu Rout, Respondent 4, was selected for the post on 19.1.1995. Dinabandhu Rout, was, however, not actually appointed to the post until 29.3.1995, on which date he filed Original Application No. 198 of 1995, seeking a direction that he should be allowed to take charge of the said Branch Post Office 'with retrospective effect' from 21.1.1995.

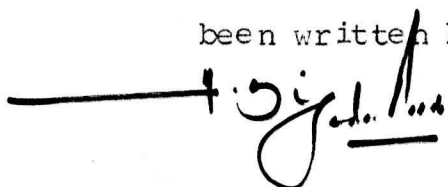
2. It was directed by this Tribunal on 7.4.1995 that the post of E.D.B.P.M., Chitalo, should be kept vacant and not be filled up. Subsequently on 24.4.1995, a direction was issued in the said O.A. (198/95) that the petitioner shall be appointed forthwith, or at any rate within one week from the date of receipt of a copy of the orders. On 30.3.1995 the present Original Application (179/95) was filed by Shri Surya Narayan Ray, who, incidentally, was not a party in the earlier Original Application. In this present Original Application (179/95) an interim stay was granted against

— 109 J. L. S. —

the operation of an order issued by the Superintendent of Post Offices, appointing Shri Dinabandhu Rout (Respondent No.4).

3. The two Original Applications have been pursued independently of each other by Surya Narayan Ray and Dinabandhu Rout. In view of the fortuitous contradiction arising in the orders passed in these two Original Applications on two different occasions, on account of information which was either deliberately withheld or inadequately furnished, it became necessary to direct, on 7.7.1995, in O.A. 179/95, that the post of E.D.B.P.M. Chitalo shall not be filled up by any one including these two contestants.

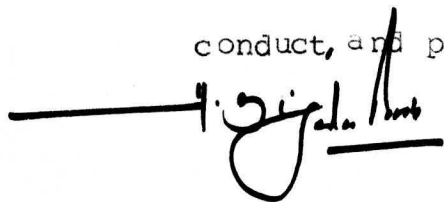
4. Shri Suryanarayan Ray accuses Dinabandhu Rout of involvement in some criminal cases. It is alleged that he has knowingly furnished false information about his property. According to the local police authorities, Shri Surya Narayan Ray was chargesheeted in the Court of S.D.J.M., Jajpur, on certain criminal charges. The Government Pleader, Jajpur, has opined that Suryanarayan Ray has no valid title in respect of certain properties, which were actually Debottar lands, i.e., properties endowed for the maintenance and upkeep of a religious shrine. It is said that Suryanarayan Ray has actually caused certain cases to be initiated against Dinabandhu Rout after the selection of E.D.B.P.M. became known. There is also reason to believe that Suryanarayan Ray has submitted an incorrect letter purported to have been written by the Officer Incharge, Jajpur Police



Station (Annexure-3 to O.A. 179/95). As against this so-called report, the Superintendent of Post Offices has produced the copy of a letter written by the Inspector Incharge, Jajpur Police Station, which runs completely counter and contrary to Annexure-A/3. A strong prima-facie doubt exists, therefore, that Annexure-A/3 filed by Suryanarayan Ray in O.A. 179/95 is perhaps not genuine.

5. The village postmaster has long been an institution and not a mere post. He figures frequently in the lore and deep traditions of village India. He has no foes and none is inimically disposed towards him. He is the helper, friend and guide to everyone in the village. People often turn to him for counsel in matters beyond the immediate concerns of postal transactions. He is a pillar of rural community and often the sole representative of the Government which employs him. Until not long ago, he was among the handful of educated individuals in the village. Despite the innovations of modern technology and vastly improved communications, the postmaster still remains a repository of faith, friendliness and respectability in the village community.

The holder of the post requires to possess the trust of the entire village populace. Unless the incumbent enjoys the good-will, trust, esteem and elicits willing cooperation of the villagers, it would be nearly impossible for him to function effectively in this responsible post. His antecedents, present conduct, and potential in terms of future impartial



behaviour, should be above the slightest shade of suspicion. He should not attract controversy on any count. Above all, his integrity should be above board.

6. It cannot be said that Shri Suryanarayan Ray fulfils these vital requirements. Apart from his involvement in criminal cases - regardless of their ultimate outcome - he is also seen to have produced an incorrect document and has thus tried to mislead the Court. The details of his property as furnished by him are not above reproach. On the other hand, Shri Dinabandhu Rout does not himself seem to be above controversy. He has had his share of involvement in criminal cases. The point is not whether or not any of these cases were instigated or engineered by the other party, or whether they were got initiated before or after his selection. What is relevant is that both Suryanarayan Ray and Shri Dinabandhu Rout are, by the reason of their involvement in alleged controversial activities, not suited to handle an important public office. There apparently exists an intense factionalism and mutual rivalry in the village. This is a pointer to a distinct possibility that no matter which of these applicants is appointed to the post there is bound to be opposition and controversy from one group or the other. This is not a healthy situation for the postal authorities to place themselves in. Under the circumstances it has to be held that, in the interest of the users of the service, and the need for an

— 1.5 Sigal. H. —

13

17

6

important public utility like the post office to
^{above}
remain all avoidable contention, neither of the two
applicants, -Suryanarayan Ray nor Dinabandhu Rout,-
is an ideal candidate for the job. They have counted
themselves out of reckoning on account of various
actions indulged in or involving them. The selection
already made to the post of E.D.B.P.M., Chitalo, is
therefore quashed and it is directed that that the
Superintendent of Post Office shall initiate action
afresh to select a suitable, and equally
importantly, non-controversial, candidate who answers
best to all the requirement of the job. It is clarified
that the petitioners Shri Suryanarayan Ray and Dinabandhu
Rout will not be considered for selection.

Thus the Original Application is disposed of.
No costs.

(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

19 SEP 95

B.K.Sahoo//