

X

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 457 OF 1995
CUTTACK THIS THE 30TH DAY OF JULY, 2002

Bandana Sarangi Applicant

-Vers-

Union of India & others Respondents.

(FOR INSTRUCTIONS)

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

Manoranjan Mohanty
(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)
30/07/2002

S. K. Hajra
(S . K . HAJRA)
MEMBER (ADMINISTRATIVE)

8

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 457 OF 1995
CUTTACK THIS THE 30TH DAY OF JULY, 2002

CORAM:

THE HON'BLE SHRI S.K. HAJRA, MEMBER (A)
THE HON'BLE SHRI MANORANJAN MOHANTY, MEMBER (J)

.....

Smt. Bandana Sarangi, aged about 35 years,
Wife of Muralidhar Satpathy,
At/PO- Salapada, Via- Bhapur,
Dist- Nayagarh.

.....Applicant

By the Advocate(s)

M/s R.N. Naik,
A. Deo,
B.S.Tripathy,
P. Panda,
R. Rath,

-VERSUS-

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. Senior Superintendent of Post Offices,
Puri Division, At/Po/Dist-Puri.
4. Prakash Chandra Patnaik,
Son of Banambar Mohanty,
At-Manibandha,
PO-Salapada, Via-Bhapur,
Dist-Nayagarh.

.....Respondents

By the Advocate(s)

.....Mr. A.K. Bose
Sr. Standing
Counsel
(R-1 to 3)
M/s L.Pangari
B. Jena
S.N.Sukla
(For Rs.-4)

O R D E R (ORAL)

MR. S.K.HAJRA, MEMBER (ADMINISTRATIVE): The applicant
filed this application praying for quashing the selection

Sum

6 (9)

of Respondent 4 as Extra Departmental Branch Post Master (EDBPM), Shalapara Branch Office under Nayagarh HO in the District of Puri and seeking direction to consider her case for selection and appointment to the post in question. The Learned Counsel for the applicant contended that the applicant had more income than Respondent No.4 and that the marks obtained in the High School Certificate Examination are not relevant for selection of candidates to the post and the applicant being a woman residing in the village was more suitable candidate for selection for the post of EDBPM, Shalapara Branch Office.

2. The Learned Counsel for the Official Respondents (Respondents 1 to 3) submitted that as per the check list at Annexure-R/5, the Respondent No.4 had secured 379 out of 750 marks (50.5%) whereas the applicant had secured 306 out of 800 marks (38.2%) in the High School Certificate (HSC) Examination. He further stated that the 4th Respondent has adequate means of livelihood as demonstrated by solvency certificate and that the applicant had not filed any solvency certificate.

3. We heard both sides and perused the records.

It is indisputable that the Respondent No.4 who had secured more marks than the applicant was more

Sw

meritorious. Further, the Respondent No.4 produced a Xerox copy of solvency certificate, issued by the Revenue Officer according to which ^{his} ~~the~~ moveable and immovable property was valued at Rs.19,000/-, out of which Rs.13,000/- was from agricultural land. It was further clarified by the Senior Standing Counsel Shri A.K. Bose that another candidate (Shri P.K. Satpathy) who secured more marks than the applicant was excluded as Matriculation of Andhra University was considered not equivalent to H.S.C. Examination of Board of Secondary Education, Orissa (Annexure-R-7). In any case, the applicant has not made him a party in this case and nor ^{has} Shri Satpathy challenged the selection of the 4th Respondent for the post in question. In the light of the facts discussed above, it is established that Respondent No.4, being more meritorious than the applicant and having adequate means of livelihood met the criteria for selection and appointment to the post of EDBPM. There is no ground in the application to interfere with the selection and appointment of Respondent No.4 to the post of EDBPM, Shalapara B.O.

4. For the reasons given above this Original Application is dismissed, without imposing any costs.


30/07/2002
(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)


(S .K. HAJRA)
MEMBER (ADMINISTRATIVE)