

3
CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

Original Application No. 74/95

Cuttack, this the 27th day of March, 1997

CORAM:

HONOURABLE SHRI N.SAHU, MEMBER (ADMINISTRATIVE)

...

Pyarimohan Panda,
aged about 56 years,
son of Kanhu Charan Panda,
Vill-Korua, P.S-Dhusuri, Dist. Balasore

... Applicant

Advocates for applicant -

M/s R.N. Naik,
P. Panda, B.S. Tripathy,
P.K. Misra & M.K. Rath

-versus-

1. Union of India, represented by its
Secretary, Department of Posts,
Dak Bhavan, New Delhi
 2. Chief Post Master General, Orissa Circle,
At/P.O-Bhubaneswar, Dist. Khurda
 3. Superintendent of Post Offices,
Bhadrak Division, P.O/Dist. Bhadrak
- Respondents

Advocate for respondents -

Mr. Ashok Misra.

ORDER

N.SAHU, MEMBER (ADMN.)

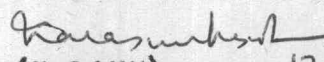
The prayer in this Original Application

is for a direction to be issued to the respondents, particularly the Superintendent of Post Offices, Bhadrak Division (respondent no.3), to absorb the applicant as E.D.B.P.M. in Ananda Bazar B.O. and to pass such orders as are deemed expedient. The applicant was provisionally appointed as E.D.B.P.M., Korua Post Office with effect from 23.4.1990 in the off-duty vacancy of the then incumbent Sri Harihar Behera on the condition that his appointment would continue till the finalisation of the disciplinary proceeding against the permanent incumbent. The disciplinary proceeding was

[Signature]

concluded and the permanent incumbent was exonerated and reinstated. The applicant was relieved on 15.3.1994. He thus worked for nearly four years as E.D.B.P.M. on provisional basis. He approached this Court in O.A.No.250/94 which was disposed of on 29.4.1994 by directing the respondents to keep the applicant in the waiting list of retrenched candidates and consider him for appointment whenever any vacancy arose. With regard to Ananda Bazar P.O. the applicant's case was turned down because he passed only Class VIII whereas the minimum requisite qualification prescribed for the post was Matriculation. Hence his appointment to the post of E.D.B.P.M., Ananda Bazar P.O. could not be considered. However, keeping in view his educational qualification his name was forwarded to other appointing units with a direction to consider him for any other E.D. post for which the applicant's qualification is met.

2. It is clear that the prescribed minimum qualification cannot be relaxed. Therefore, the respondents were justified in refusing to consider the applicant's case for the post of E.D.B.P.M., Ananda Bazar P.O. They have also complied with the Tribunal's order by directing other appointing units to consider the applicant's case for other suitable E.D.posts. The applicant, therefore, should content himself, if he is interested in securing an employment under the respondents, to apply for a job like E.D.D.A., E.D.Stamp Vendor and other E.D. posts for which the minimum qualification is VIIIth standard. If he does so, particularly in view of his earlier experience, the respondents shall consider his case in any vacancy that may arise within their jurisdiction. With these observations, the O.A. is dismissed.


(N.SAHU) 17.3.97
MEMBER (ADMINISTRATIVE)