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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 254 OF 1996.
Cuttack, this the 07th day of 2003 April 2003

Sonya Bhuyan.

....

Applicant.

Vrs.

Union of India & Others.

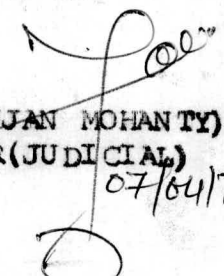
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Respondents.

FOR INSTRUCTIONS

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


(B.N. SOM)
VICE-CHAIRMAN


(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)

07/04/2003

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 254 OF 1996
Cuttack, this the 07th day of April 2003.

CORAM:-

THE HONOURABLE MR. B. N. SOM, VICE- CHAIRMAN
AND
THE HONOURABLE MR. MANORANJAN MOHANTY, MEMBER (JUDL.)

Sri Senya Bhuyan, Aged about 20 years,
S/o. Manu Bhuyan, At/Po: Jeerango,
Via. Narayanpur, dist. Gajapati. Applicant.

By legal practitioner : Mr. P.K. Padhi,
Advocates.

: Versus :

1. Union of India represented through its
Director General Posts (Dak Bhawan.),
Sansad Marg, New Delhi-110001.
2. Postmaster General, Berhampur Region,
At/Po: Berhampur, dist. Ganjam- 760001.
3. Senior Superintendent of post Offices,
Berhampur division, At/Po: Berhampur,
dist. Ganjam(O), Pin- 760001.
4. Shri Kailash Chandra Pradhan, (EDBPM),
S/o. Kora Pradhan, At/Po: Jeerango,
Via. Narayanpur, dist. Gajapati.
5. District Inspector of Schools (Paralakhemundi),
At/Po: Paralakhemundi, dist. Gajapati.

... Respondents.

By legal practitioner; Mr. A.K. Bose, Sr. Standing Counsel

and

M/s. P.V. Ramdas and Mr. P.V.B. Rao,
Advocates (for Res.No. 4).

O R D E R

MR. MANORANJAN MOHANTY, MEMBER (JUDICIAL) :

Selection and appointment of Respondent No.4 to the post of Extra Departmental Branch Post Master of Jeerange Branch Post Office of Gajapati District (Orissa) is under challenge (in this Original Application under Section 19 of the Administrative Tribunals Act, 1985) on the grounds (a) that the Applicant, being a ST candidate should have been preferred; and (b) that the Respondent No.4 had suppressed the material fact that at the time of application, he was working as Sikhya Karmi/Teacher under the D.I. of Schools of Paralakhemundi Education District.

2. We have heard Mr. P.K. Padhi, Learned Counsel appearing for the Applicant, Mr. P.V.B. Rao, Learned Counsel appearing for the Respondent No.4 and Mr. A.K. Bose, Learned Senior Standing Counsel of the Union of India, appearing for the Departmental Respondents and perused the records.

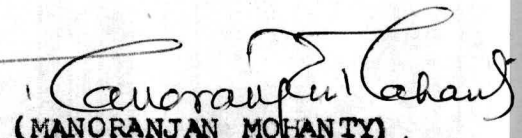
3. On perusal of the notification made to the Employment Exchange dated 30.10.1995 it revealed that the post was thrown open to all the categories of candidates and it was made clear that SC/ST/Ex-servicemen/Physically Handicapped candidates may be preferred subject to other suitability. The main plank of the selection as per the rules governing the recruitment of EDBPM is the percentage of marks in the matriculation examination subject to fulfilment of certain other conditions. On perusal of the check-list filed

by the Respondents (under Annexure-R/2) it revealed that the Applicant had secured 43% of marks in the HSC Exam. as against the 46% of marks secured by the Respondent No.4. As regards the preference to be given to ST candidate in a matter of selection, as provided in the DG Posts Circular quoted by the Applicant, it is to be mentioned that question of giving preference to reserved candidate such as ST/SC for a post meant for consideration of all categories of candidates will arise only if the two candidates i.e. that of general category and that of SC/ST category stand in a same footing in all respect. Therefore, this plea of the Applicant is not at all tenable and the Respondents have rightly selected and appointed the Applicant in the post in question.

4. So far as the other allegations are concerned, there are no merit; as the Applicant has placed no material in support of the said allegations. Merely because some allegations are made in a matter of selection it is not to be accepted, unless supporting materials are placed on record to substantiate the said allegations. It is an admitted fact that the unsuccessful candidates are bound to feel aggrieved and, out of their anxiety, they may raise many allegations, which needs close scrutiny. It is the case of the Respondents in the present case, that after preparing the checklist and before giving appointment, the antecedents of the Respondent No.4 was enquired into and having found him to be more suitable in all respect, he was selected and appointed.

5. In the above said premises, we find no merit in this Original Application; which is accordingly rejected.
No costs.


(B.N. SOM)
VICE-CHAIRMAN


(MANORANJAN MOHANTY)
MEMBER (JUDICIAL) 07/04/2003