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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.297 OF 1996

Cuttack, this the 20th day of Feb. 2003

Rabindra Kr. Mallik **Applicant**
Vrs.
Union of India & Others **Respondents.**

FOR INSTRUCTIONS

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

20/02/03
(M.R. MOHANTY)
MEMBER (JUDICIAL)

lnhs
(B.N. SOM)
VICE-CHAIRMAN

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CORAM:

HON'BLE SHRI B.N. SOM, VICE-CHAIRMAN
&
HON'BLE SHRI M.R. MOHANTY, MEMBER (JUDICIAL)

Shri Rabindra Kumar Mallick, aged about 42 years, S/o Late Nayayan Mallick, resident of Mahura, PO: Ratang, Via: Janla, P.S: Khandagiri, Dist: Khurda, presently working as Group 'D' in Postal Stores Depot, Office of the Superintendent Bhubaneswar.

.....Applicant

By the Advocate(s) Mr. A.K. Kanungo.

Vrs.

1. Union of India, represented through the Chief Postmaster General, Orissa Circle, At/PO-Bhubaneswar, Dist-Khurda.
2. Superintendent of Post Offices, Bhubaneswar Division, Bhubaneswar, Dist: Khurda.

..... Respondent(s))

By the Advocate(s) - Mr. U.B. Mohapatra.

O R D E R

SHRI B.N. SOM, VICE-CHAIRMAN:

This Original Application has been filed by Shri R.K. Mallick praying for the following reliefs:

1. The order under Annexure-4 be quashed declaring the same illegal, arbitrary, and bad in law.
2. Direction or direction be issued allowing grace marks to the applicant in accordance to the orders and instructions of the Govt. so as to qualify himself for future promotion.

3. The applicant be considered for promotion in the existing vacancies in the Division or other.
4. Any other direction and/or directions order and orders be issued as this Hon'ble Court deems fit and proper.

2. The applicant, while working in the Office of the Superintendent Postal Stores Depot., appeared in the departmental examination held on 18.12.1988 for promotion to the post in Postal Assistant Cadre/Storing Assistant Cadre. However, he did not come out successful in the examination; having failed to score pass mark in Paper III. The applicant being a SC candidate represented the matter to the Respondent for declaring him successful after giving him grace marks as admissible to the reserved category officials. However, the Respondents informed him that there was no provision for review of his case and that he could not be promoted because there was no post under Schedule Caste category during that year.

3. The Respondents have filed a counter where they have admitted the facts of the case as stated by the applicant. They have submitted that the examination was held for filling up of one post reserved for SC and two posts reserved for ST candidates. While one SC candidate qualified in the examination none qualified from the ST quota. Thus, while they filled up the vacancy of the SC quota, the ST quota remain unfilled. They further submitted that the applicant obviously could not be considered for appointment, because

of non availability of any vacancy under SC quota and that the applicant did not appear in the subsequent examination.

4. We have also heard Shri A. Kanungo, Ld. Counsel for the applicant and Shri U.B. Mohapatra, Ld. Govt. Counsel for the Respondents. In view of the averments made by both the parties, it is clear that the prayer of the applicant (made to the Respondent) for granting grace mark could not be granted because of the fact that there was no SC quota vacancy available in Bhubaneswar Division in that year of examination. In the circumstances no relief can be granted to the applicant and therefore, this Original Application fails.

No costs.

M. R. Mohanty
20/02/03

(M. R. MOHANTY)
MEMBER(JUDICIAL)

B. N. Som
(B. N. SOM)
VICE-CHAIRMAN

CAT/CTC
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