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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO.416 OF 1996
cuttack, this the 16th day of January, 2003.


Prasanna Kumar Mangaraj. Applicant.

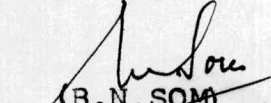
vs.

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 the Central Administrative Tribunal or not? No


(MANORANJAN MOHANTY)
MEMBER (JUDICIAL) 16/01/2003


(B.N. SOM)
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.416 of 1996
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C O R A M:

THE HONOURABLE MR. B.N.SOM, VICE-CHAIRMAN

AND

THE HONOURABLE MR. MANORANJAN MOHANTY, MEMBER (JUDL.).

....

Prasanna Kumar Mangaraj,
S/o. Late Hadibandhu Mangaraj,
vill./P.O. : Harirajpur, PS : Delang,
Dist. Puri- 752 50.

.... Applicant.

By legal practitioner : M/s. D.R. Patnaik, K.C. Pradhan,
M.K. Khuntia, Advocates.

:Versus:

1. Union of India represented by the Chief postmaster General, Orissa, At/po; Bhubaneswar, Dist; Khurda.
2. Senior Superintendent of posts, Puri division, Puri, At/po/Dist; Puri.
3. Sanjib Kumar Baral, S/o. Rabindranath Baral, At/po; Harirajpur, Dist. Puri.
4. Tahasildar, Pipli, At/po/Pipli, Dist; Puri.

.... Respondents.

By legal practitioner : Mr. A.K. Bose,
Senior Standing Counsel.

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O R D E R

MR. B. N. SOM, VICE-CHAIRMAN :-

Shri Prasanna Kumar Mangaraj has filed this Original Application under section 19 of the Administrative Tribunals Act, 1985 assailing the selection and appointment of Respondent No. 3 to the post of Extra Departmental Branch postmaster/Gramin Dak Sevak Branch post Master of Harirajpur Branch post Office.

2. The case of the Applicant is that like the Respondent No. 3 he has also passed the H.S.C. Examination and applied for the post of E.D.B.P.M., Harirajpur having the other eligibility conditions for selection. His plea is that the Respondent No. 3 secured the job by submitting false solvency certificate to the effect that he was the owner of immovable property whereas, in fact, he was a partner of joint family property. Applicant had filed several representations in the matter drawing the attention of the Respondents to enquire into the matter. He had also represented to the Reviewing Authority but to no effect. Aggrieved by this, he has approached this Tribunal to quash the order of appointment of Respondent No. 3 and to direct the Respondents 1 and 2 to issue order of appointment in favour of the Applicant.

3. Respondents have refuted the allegations of the Applicant by submitting counter. They have emphatically stated that the Respondent NO.3 was appointed on merit having secured the maximum percentage of marks in the H.S.C. examination among the candidates considered by them. They further averred that the genuineness of the documents submitted by the candidates including the Applicant and Respondent No.3, were verified by them through the S.D.I.P. and that in respect of the Res.NO.3 the Tahasildar, Pipil had also certified the solvency and income certificate issued in favour of the Respondent No.3 to be genuine. They, therefore, submitted that as the competent authority i.e. the Tahasildar, Pipil had confirmed about the genuineness of the certificates, there was no scope on their part to disbelieve the same or to go ahead with further enquiry into the matter. However, at the time of submission of counter, the Respondents have averred that the selection to the post, in question had not yet been finalised.

4. Heard Mr.M.K.Khuntia, learned Counsel for the Applicant and Mr.A.K.Bose, learned Senior Standing Counsel for the Union of India, appearing for the Respondents and perused the records.

5. The whole case of the Applicant revolves around the genuineness or otherwise of the property certificate issued by the Revenue Authority in favour of Respondent


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No.3. Applicant had also made the Tahasildar, Pipili as one of the Respondents i.e. Respondent No.4 in this Original Application. The said Respondent No.4 has filed a counter stating therein that the petition against the certificate issued by him was not maintainable and is liable to be rejected.

6. In this view of the matter that the Revenue Authority has stood by the Certificate^{issued} to Respondent No.3 and that the Respondents 1 and 2 had not only independently enquired about the genuineness of the certificate but also ~~was~~ willing to review the decision about the Respondent No.3, in case any adverse report would have been issued by the Revenue Authority; and that the Respondent No.3 had secured the highest marks among the candidates considered by the Respondent No.2, we see no merit in this Original Application and the same is rejected. There shall be no order as to costs.


(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)
16/01/2003


(B.N. SOM)
VICE-CHAIRMAN

KNM/CM.

M(J) is authorized to pronounce
the judgment.
