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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.571 OF 1996
Cuttack this the 17th day of September, 1998

PRONOUNCED IN THE OPEN COURT

Bhagyadhar Tripathy

Applicant(s)

-Versus-

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

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

(G.NARASIMHAM)
MEMBER(JUDICIAL)

Somnath Som
(SOMNATH SOM
VICE-CHAIRMAN
11-1998

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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.571 OF 1996
Cuttack this the 17th day of September, 1998

CORAM:

THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND
THE HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)

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Shri Bhagyadhar Tripathy,
aged 44 years, S/o.Late B.B.Tripathy,
Mudupur, Kaduapara, Dist:Jagatsinghpur
at present serving as Lower Selection Grade
Postal Assistant(P.L.I.Section) Office
of the C.P.M.G., Orissa, Bhubaneswar

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Applicant

By Advocates: M/s.J.Sengupta
B.B.Acharya

-Versus-

1. Union of India through
DirectorGeneral, Posts, Dak Bhavan,
New Delhi
2. Chief Postmaster General
Orissa Circle, Bhubaneswar
3. Sri Manoj Kumar Bose,
Development Officer, P.L.C/o.Chief Post Master
General, Orissa Circle,
4. Sri Pradosh Kumar Mohanty, Bhubaneswar
Development Officer, P.L.I.,

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Respondents

By the Advocates: Mr.Ashok Mohanty,
Sr.Standing Counsel
(Central)

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ORDER

MR. SOMNATH SOM, VICE-CHAIRMAN: In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant has come up with the prayer for quashing the promotion of Res.3 and 4 to the post of Development Officer(PLI) and also for a direction to the departmental authorities to consider his case for promotion to the post of Development Officer(PLI) retrospectively with effect from 27.6.1996.

2. The facts of this case according to petitioner are that he is an Upper Division Clerk in the Postal Department. He was working in the Postal Life Insurance Section where he joined in 1994. The departmental authorities had called for applications from the departmental employees in their notice dated 15.4.1996 at Annexure-1 in which it was mentioned that some posts of Development Officer(PLI) at Bhubaneswar are lying vacant against 2/3rd quota reserved for PAs CO/UDCs working in the circle office/R.Os/Postal Printing Press. The petitioner has stated that he applied for the post along with some others and ignoring his case the departmental authorities have selected Res.3 and 4 for the post of Development Officer(PLI); that is why he has come up in this application with the aforesaid prayer.

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3. The departmental authorities have filed their counter opposing the prayer of the applicant. The various averments made by the two parties and the submissions made by the learned counsel for both sides will be referred at the time of discussing those submissions on merits.

The private respondents 3 and 4 have neither appeared nor filed their counter even though they have been issued with notices.

4. We have heard learned counsel for the petitioner and learned Senior Standing Counsel Shri Ashok Mohanty appearing on behalf of the departmental respondents. It is submitted by the learned counsel for the petitioner that in Annexure-1 it is mentioned that for the post of Development Officers, the selection will be made amongst the eligible volunteers on the basis of their seniority. It is further submitted by the learned counsel for the petitioner that it has been mentioned in the list of eligibility against item No.6 of the notice at Annexure-1 that actual working experience in PLI branch will be a desirable qualification. It has been submitted by the learned counsel that the petitioner had been working in PLI Section from 1994 till 1996 when the notice was issued and he is also senior to Res. 3 and 4. Thus it is submitted that while selecting Res. 3 and 4, the departmental authorities have violated their own guidelines and have appointed them to the post of Development Officers(PLI). On the question of seniority it has been submitted by learned Senior Standing Counsel Shri Ashok Mohanty that besides referring to 1st paragraph of Annexure-1 with regard to appointment on the basis of seniority, there are seven items in this notice laying down the various conditions of eligibility. For the work relating to Postal Life Insurance, where a selected person has to increase the volume of business and it has

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been submitted in the counter that their continuance as Development Officer(PLI) depends upon their giving adequate quantum of business to the postal department by way of Postal Life Insurance. It is submitted that on the basis of this condition of eligibility, it is not clear that seniority alone is not the criterion. In support of his contentions learned Senior Standing Counsel has also relied on the Rule 279/6 at Annexure-R/1 which speaks of constitution of a ~~of initiation~~ Selection Committee and interview before the Selection Committee. As in the notice and in the reply at Annexure-R/1, besides seniority and other conditions, eligibility conditions are mentioned, it is clear that the seniority will be taken into consideration only when other conditions are equal ^{equated}. In view of this contentions of the learned counsel for the petitioner that amongst the eligible persons who volunteered for selection to the post of Development Officer should be made only on the basis of seniority is held to be without any merit and is therefore, rejected. In any case it is also to be noted that Development Officer is not in the general line of promotion from the U.D.C.s. It is a tenure post. In other words a person selected as Development Officer(PLI) can work for three years and he has to go back to his earlier post unless his staying as Development Officer is extended depending on the business he gives to the postal department. The second contention of the learned counsel for the petitioner is that in the notice at Annexure-1, it

has been mentioned that persons with experience in the Postal Life Insurance would be given preference, but while selecting Res.3 and 4 the fact that the applicant had worked in the Postal Life Insurance for more than two years has been ignored by the departmental authorities. Learned Senior Standing Counsel has produced before us the record of the Selection Committee. From this we find that both the persons, viz. Res.3 had also experience in the work of P.L.I. Section and in case of Res.4 it has been mentioned in the DPC minutes that he was working in the Postal Life Insurance Section at the time the Selection Committee met. In view of this it is clear that Res.3 and 4 had experience in the P.L.I. work. It has been submitted by the learned Senior Standing Counsel that on the reversion of two Development Officers in the P.L.I. Wing, two posts of DO fell vacant and applications were invited from the eligible persons in response to which 13 officials including the applicant applied for the post of which 12 officials were found eligible. A Selection Committee consisting of Director of Postal Services, Bhubaneswar, Asstt. Post Master General (PLI) and Asstt. Director (Staff) was formed for selection to the post of D.O. (PLI). This constitution of the Committee is also envisaged in the rules which is at Annexure-R/1. The Committee met on 25.7.1996 and considered all the 12 candidates including the applicant. In order to test their knowledge and experience in Postal Life Insurance Wing all the 12 candidates including the applicant were asked questions in the matter of P.L.I. Depending upon the performance of the petitioner, Res.3

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and 4 were selected as they were found more suitable than the applicant. According to records of the D.P.C., we find that all the 12 candidates were separately assessed by the three members of the Selection Committee and marks were awarded and on the basis of the marks Res.3 and 4 have been selected. It is not for the Tribunal to sit on the judgment with regard to selection made by the Selection Committee, which had interviewed all the 12 candidates including the applicant and Res.3 and 4. In view of this it is not possible for us to hold that the Selection Committee

D.P.C. has acted illegally or arbitrarily in selecting Res.3 and 4 and in not selecting the applicant. In view of this the application is held to be without any merit and the same is rejected, but under the circumstances no order as to costs.

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(G.NARASIMHAM)
MEMBER(JUDICIAL)

B.K.SAHOO, C.M.

Somnath Som.
(SOMNATH SOM)
VICE-CHAIRMAN

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