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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

ORIGINAL APPLICATION NO.588 OF 1996
Cuttack, this the 24th day of April 2003

Subash Chandra Jena

.....

Applicant


Vrs.

Union of India & Others

Respondents.

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not ? 74
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? 100


(M.R. MOHANTY)
MEMBER (JUDICIAL)


(B.N.SOM)
VICE-CHAIRMAN

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

ORIGINAL APPLICATION NO.588 OF 1996

Cuttack, this the 24th day of April, 2003

CORAM:

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

Subash Chandra Jena, At/Po-Purunaghati, Via-Anandapur, Dist-
Keonjhar-758021

.....Applicant

By the Advocate(s) Mr. D.P. Dhalsamant.

Vrs.

1. Union of India, represented through Chief
Postmaster General, Orissa Circle, Bhubaneswar-1
2. Superintendent of Post Offices, Keonjhar Division,
Keonjhar-1
3. Minakshi Chand, W/o-Pratap Kr. Raj, At/P.O-
Purunaghati, Via-Anandapur, Dist- Keonjhar-1

..... Respondent(s)

By the Advocate(s) -

Mr. J.K. Nayak, ASC
Mr. B. Das, ASC
Mr. B.R. Sarangi
(For R -3)

O R D E R

SHRI B.N. SOM, VICE-CHAIRMAN:

Shri Subash Chandra Jena, has filed this Original Application
against the decision of the Respondent No.2 to select Respondent no.3

to the post of E.D.B.P.M Puranaghati, B.O. in preference to him. Admittedly the applicant belongs to the Schedule Caste community, sponsored by the employment exchange and had submitted the application in the prescribed format with all necessary documents required by the Respondent No.2 vide his letter dated 29.11.1995. The grievance of the applicant is that although he had passed Higher Secondary Examination in the first chance and the Respondent No.3 had passed Higher Secondary Examination in the compartmental, Respondent No.3 was selected by the Respondent No.2.

2. Respondents have controverted the allegations of the applicant by submitting a counter in which they have disclosed that applicant is one of the 19 candidates who were sponsored by the employment exchange for consideration. The applicant could not be finally selected for the post in spite of his better educational standing on the ground that he did not provide proof of owning immovable property in his name and of having independent source of income. Thus he had failed to fulfill one of the essential conditions of possessing adequate means of livelihood as required under Recruitment Rules for the post. On the other hand, Respondent No.3 though had passed the H.S.C Examination through compartmental examination, had landed property in his own name and annual income of Rs.12,000/-.


In support of this he (Respondent No.3) had also produced certificate from the Tahasildar. Regarding the allegation of the applicant that he was a Schedule Caste candidate and that the post should have been earmarked for a reserved category candidate they have submitted that no E.D post is earmarked for any category but the minimum percentage of posts are filled up with the reserved category candidates according to the percentage of reservation prescribed for each category according to the population census of that district, in terms of D.G.P. & T. letter No.43-117/80-Pen dated the 8th October, 1980 which stipulates that " the representation of SC/ST candidates in the employment of ED staff should at least be kept to the prescribed minimum limits in the Group 'C' and 'D' posts in the Department". Out of the 19 candidates sponsored by the employment exchange, eight applied in the prescribed form with all certificates. Out of these eight candidates one belonged to SC category, one to O.C. category and the six remaining to ST category. The candidate belonging to SC community did not fulfill all the requisite conditions. Similarly, the ST candidates also lacked in income and landed property conditions, leaving the O.C. candidate who fulfilled all the conditions in the field for selection.

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3. The facts of the case as submitted by the Respondents have not been controverted by the applicant by filing any rejoinder nor during the oral arguments. The policy followed by the Respondent's Department providing reservation in making recruitment to ED posts is also unassailable. They maintained due transparency in the selection process. Having regard to these facts of the case, we see no irregularity in the selection made by Respondent No.3. and accordingly this O.A fails. No costs.



(M.R. MOHANTY)
MEMBER (JUDICIAL)



(B.N. SOM)
VICE-CHAIRMAN

CAT/CTC
Kalpeswar