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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 708/1996

Cuttack this the 26th day of June, 2003

Bijoy Chandra Rout,
E.D.B.P.M., Mangalpur,
Via-Gunthapara,
Dist. Ganjam-761115 ...Applicant


Versus


Union of India & another

.....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


(M. R. MOHANTY)
MEMBER (JUDICIAL)


(B. N. SOM)
VICE CHAIRMAN

(7)

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CORAM :

THE HON'BLE SHRI B.N.SOM, VICE CHAIRMAN
AND

THE HON'BLE SHRI M.R.MOHANTY, MEMBER (JUDICIAL)

Bijoy Chandra Rout,
E.D.B.P.M., Mangapur,
Via-Gunthapara, Dist.Ganjam-761115

....Applicant

Advocate for the Applicant:

Mr.D.P.Dhalsamant,
Advocate.

Versus

- 1.Union of India, represented through
Chief Postmaster General,
Orissa Circle, Bhubaneswar-751001
2. Superintendent of Post Offices,
Aska Division, Aska, Dist.Ganajm-761110

....Respondents

Advocate for the Respondents:

Mr.A.K.Bose,
Sr.Standing Counsel
Mr.B.Dash,
Addl.Standing Counsel

O R D E R

Mr. B.N.SOM, VICE CHAIRMAN :

Bijoy Chandra Rout, E.D.B.P.M., Mangalpur

Branch Post office has filed this Original Application under
Section-19 of the Administrative Tribunals' Act, 1985 seeking
the following reliefs :

- " I) Orders/directions be issued to the Respondents to take in the Applicant in the Postman cadre forthwith.
- II) Any other relief as deemed fit and proper. "

2. The facts of the case in a nut-shell are that the Applicant had appeared at the Postman Examination held on 9.7.1995. He was declared successful in this test. Thereafter, the Respondent No.2 called upon him to intimate his willingness to serve anywhere in the circle as there was no vacancy to absorb ^{him} in his own division. In response to the said letter of the Respondent No.2, the Applicant submitted his willingness on 02.01.1996. However, he was not informed of any further development in the matter about his appointment in the Postman cadre. The Applicant had made a number of representations from time to time to the Respondent No.2 and No.1 in the matter of his appointment to the Postman cadre but without any success. Being aggrieved with the inaction on the part of the Respondents, he has approached this Tribunal for relief.

3. The Respondents have contested this application. They have submitted that in Aska Division there was only one vacancy under S.T. category for which the examination was held on 09.07.95. The vacancy was meant for only departmental candidates and accordingly applications were called for from the eligible departmental Group 'D' employees and EDAs. No departmental candidate qualified in the examination. As the vacancy was reserved for S.T. category, the same was filled up by appointing one Dinabandhu Bhoi, EDDA, Mohimunda B.O., a surplus qualified S.T. candidate from Bolangir Division under the orders of Respondent No.1. They have admitted that the Applicant was asked by them to intimate his willingness to serve outside the division ... should a surplus post

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be available in any of the divisions. But that such an occasion never arise. The fact of the matter is that there was no vacancy^{occured} in O.C. category outside the division.

4. We have heard the learned counsel for both the parties and have also perused the records placed before us.

5. From the facts of the case it appears that an examination was held on 09.07.1995 for recruitment to Postman cadre by calling applications from the departmental candidates (both Grade 'D' and E.D.D.A.). The scheme of the examination was circulated by the Respondent No.2 under Annexure 'C'. The vacancy notified was one under S.T. Category and all officials in Group 'D' and EDA categories fulfilling the eligibility conditions were asked to apply within the last date fixed for the receipt of application. The method of recruitment was also notified in the vacancy circular. In the vacancy circular, it was clearly mentioned that the notified vacancy fell under the departmental quota and that there was no vacancy for outside quota i.e., for the EDA group. In view of the fact that there was no vacancy under outsider quota, the Applicant who comes under the outsider quota, although qualified in the examination, could not get appointment. However, it was submitted by the learned Additional Standing Counsel for the Respondents that in terms of the departmental policy, all successful candidates are asked to exercise their option to be considered for appointment against any available vacancy in other divisions. Following this policy the Applicant was asked to exercise option so that should there be any vacancy available in any of the divisions in the circle, he could be considered for appointment against that post. The Respondents have submitted that the Applicant could not be offered any appointment as there was no

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vacancy under O.C. quota in any of the divisions. They have also submitted the Office Memorandum dt.18.03.1996 issued by the Respondents No.1 showing allotment of surplus qualified candidates who could not be accommodated in their parent division to various other divisions in the Circle. From the said list, it is clear that all these surplus candidates belong to only S.T. category and no surplus candidate under S.C. or O.C. category was offered appointment in Postman cadre. Hence no injustice was done to the Applicant.

6. Having regard to these facts and the circumstances of the case, we see no merit in the Application and the same is disposed of accordingly. No costs.

[Signature]
26/06/03
(M. R. MOHANTY)
MEMBER (JUDICIAL)

[Signature]
(B. N. SOM)
VICE CHAIRMAN