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**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK**

**ORIGINAL APPLICATION NO.765 OF 1996**  
Cuttack, this the 10th day of March 2003

**Shri Kameswar Rana** .....

**Applicant**


**Vrs.**

**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

  
( M.R. MOHANTY )  
MEMBER (JUDICIAL)

  
(B.N.SOM)  
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

**ORIGINAL APPLICATION NO. 765 OF 1996**

Cuttack, this the 10th day of March 2003

**CORAM:**

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

**Shri Kameswar Rana, aged 20 years S/o Sri Matilal Rana, Vill/Po-  
Badasole., Via-Jhadapokharia, Dist-Mayurbhanj**

.....Applicant

**By the Advocate(s)**

..... M/s. P.K. Padhi  
B. Dash,

**Vrs.**

**Union of India represented through;**

1. Chief Postmaster General ( Orissa Circle), At/Po-Bhubaneswar,  
Dist-Khurda.
2. Superintendent of Post Offices, Mayurbhanj Division, At/Po-  
Baripada, Dist-Mayurbhanj
3. Ashok Kumar Dandapat, S/o Sri Nagen Dandapat, at present  
working as E.D.B.P.M. of Badasola Via-Jhadapokharia, Dist-  
Mayurbhanj.

..... Respondent(s )

**By the Advocate(s) -**

..... Mr. A.K. Bose,  
CGASC

**ORDER**

**SHRI B.N. SOM, VICE-CHAIRMAN:**

This Original Application has been filed by Shri Kameswar Rana alleging that Respondent No.2 did not consider his application for appointment to the post of EDBPM, Badasola B.O although he had passed H.S.C in 2<sup>nd</sup> division securing 365 marks. He has stated that although his name was not sponsored by the Employment

Exchange he had directly submitted his application with all necessary documents to Respondent No.2 because he had obtained an order from this Tribunal by filing O.A. No.685/96 to consider his candidature. This order was passed on 24.09.1996 but on the same day Respondent No.2 issued the order of appointment in favour of Respondent No.3 for filling up of the post. This, according to him, was a willful act of defiance on the part of the Respondent No.2. He also alleged that Respondent No.3, the selected candidate, had passed in 3<sup>rd</sup> division which would prove that his selection was made to serve the vested interest. He therefore has prayed that the Tribunal may be pleased to quash the selection of EDBPM and to declare that restricting the selection only if the candidates sponsored by the employment exchange is unconstitutional.

2. The Respondents have denied the allegations by filing counter. It is admitted that to fill up the vacant post of EDBPM at Badasola, as per departmental instructions in vogue at that time. They had called for candidates from the District Employment Office and selection was made strictly according to the recruitment rules and procedure laid down in this regard. Regarding the consideration of the candidature of the applicant, they submitted that the order of the Tribunal directing them to consider the applicant's candidature subject to his possessing the necessary qualification for the post was not received in time. The processing of the application for the post

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was completed well before that time and that the letter of appointment had been issued on 24.09.1996 in favour of Respondent No.3 on the other hand, it was only on 30.09.1996 that they received the order of this Tribunal. By that time the selected candidate had joined his office after undergoing on job training. It was in these circumstances that the direction of the Tribunal could not be implemented and that the same fact was communicated to the Senior Standing Counsel (Central) for appraising the Tribunal. Mr. A.K. Bose, Sr. Standing Counsel for the Respondent also submitted that there was absolutely no intention on the part of the Respondents not to honour the order of the Tribunal but for the fact that the same was received after the selection and appointment processes were over. Mr. P.K. Padhi, Ld. Counsel for the applicant also accepted the said factual position that the appoint to the post actually took place before they received of the order of this Tribunal.

In view of the above facts and circumstances of the case we see no merits in this application and, accordingly, reject the same without any order to the cost.

*Label*  
*10/03/03*  
(M.R. MOHANTY)  
MEMBER (JUDICIAL)

*Label*  
(B.N. SOM)  
VICE-CHAIRMAN

CAT/CUTTACK  
Kalpeswar