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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 805 OF 1996
Cuttack, this the 27th day of March, 2003.

Manoj Kumar Nanda.

....

Applicant.

Vrs.


Union of India & Ors.

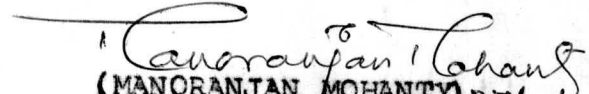
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Respondents.

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.


(B.N. SOM)
VICE CHAIRMAN


(MANORANJAN MOHANTY) 27/03/03

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH;CUTTACK.

ORIGINAL APPLICATION NO.805 OF 1996
Cuttack, this the 27th day of March, 2003.

C O R A M:-

THE HONOURABLE MR. B.N.SOM, VICE- CHAIRMAN
A N D
THE HONOURABLE MR. M.R. MOHANTY, MEMBER (JUDICIAL)

MANOJ KUMAR NANDA,
S/o. Rama Chandra Nanda,
E.D.B.P.M., Raihari,
Bijatala,
Dist. Mayurbhanj.

....

Applicant.

By legal practitioner: Mr.D.P.Dhalsamant, Advocate.

;Versus;

1. Union of India represented through
Chief Postmaster General, Orissa Circle,
Bhubaneswar- 751 001.
2. Superintendent of Post Offices,
Mayurbhanj District, at Baripada. Respondents.

By legal practitioner: Mr.U.B.Mohapatra,
Addl.Standing Counsel (Central).

O R D E R

MR. MANORANJAN MOHANTY, MEMBER (JUDICIAL) :-

Heard Mr.D.P.Dhalsamant, Learned Counsel appearing
for the Applicant and Mr.U.B.Mohapatra, Learned Additional
Standing Counsel, appearing for the Respondents and perused
the records.

2. For deciding the matter, it is not necessary to go
details into the facts of the case and, it would suffice to
say that for filling up of the post of EDBPM of Raihari
Branch Post Office, Respondents called for names from the
Employment Exchange at Rairangpur. Out of 36 names received
by the Respondents (from the Employment Exchange) though all
of them were asked to submit applications in the prescribed

form alongwith testimonials, only 9(nine) candidates (including the Applicant and the selected candidate namely Srikanta Nanda applied with all necessary documents. Rules for filling up of the post of E.D.B.P.M. provide that the candidate having highest percentage of mark in HSC examination (by fulfilling all other conditions) shall be the basis for selection to the post of E.D.B.P.M. This fact is not disputed at the bar. Since one Srikanta Nanda found to be more meritorious from amongst the nine candidates, he, having secured 45.72% of marks in HSC and he having secured higher percentage of marks than all other candidates and the Applicant having secured only 37.99% of marks in HSC examination), was selected and appointed on 5.11.1996. This is evident from Annexure-R/4 to the counter filed by the Respondents. As such, we find no infirmity in the matter of selection to the post in question.

3. The counsel for the Applicant states that though the Applicant was working in the post on substitute basis, no weightage has been given to his past experience. It has been urged by the Respondents, as also it is a settled position, that there is no provision in the rules for giving any weightage to the experience; moreover, question of giving weightage could have been arisen in this case, had both the candidates (i.e. Applicant and the selected candidate namely Srikanta Nanda) been stood in the same footing in all respect. Since the selected candidate got more marks than the Applicant in H.S.C. examination, the question of giving weightage to the Applicant does not arise.

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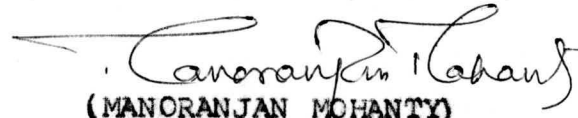
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4. Another important feature of the matter is that the selected candidate having not been made as one of the Respondents in this case, though by the time this application was filed (i.e. on 8.11.1996), the order of appointment had already been issued on 5.11.1996, no orders adversely affecting his interest can be passed in the present case.

5. In the above said premises, we find no merit in this Original Application, which is accordingly, dismissed.

No costs.


(B.N. SOM)
VICE-CHAIRMAN


(MANORANJAN MOHANTY)
MEMBER (JUDICIAL) 27/03/03