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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.259 OF 1998
Cuttack this the 28th day of June, 2000

Manoranjan Mohanty

...

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
28/6/2000

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.259 OF 1998
Cuttack this the 28th day of June, 2000

CORAM:

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

Sri Manoranjan Mohanty
aged about 31 years,
Son of Late Bauribandhu Mohanty
Applicant to be employed as
Branch Post Master in the Village-
Kiadingiri, At/PO:Kiadingiri,
Via: Rahama
District - Jagatsinghpur

...

Applicant

By the Advocates

M/s. Kishore Jena
A.K.Mohapatra
J.K.Mohapatra

-VERSUS-

1. Union of India represented through
the Superintendent of Post Offices,
Cuttack South Division
At/PO: Cantonment Road
Town/Dist - Cuttack
2. Udayabandhu Praharaj
Son of Durga Charan Praharaj
At/PO: Potanai, Via Rahama
P.S. Tritol
District - Jagatsinghpur

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Respondents

By the Advocates

Mr. A.K. Bose
Sr.Standing Counsel
(For Res. 2 1)

M/s.B.B.Patnaik
B.N.Behera
P.R.Mohanta
(For Res.2)

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O R D E R

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MR. SOMNATH SOMI VICE-CHAIRMAN: In this Application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner has prayed for quashing appointment of Res.2 to the post of Extra Departmental Branch Post Master, Kiadingiri Branch Office and for a direction to departmental authorities to appoint him to that post. The Departmental respondents and Private Res.2 have filed their counters separately opposing the prayer of the petitioner.

2. Today when the matter was called learned counsel for the petitioner and his Associates were absent ~~not~~ any request was also made on their behalf seeking adjournment. As in this case pleadings have been completed sometime back, it would not be possible to drag on the matter indefinitely. We have, therefore, heard Shri A.K. Bose, learned Sr. Standing Counsel for Res. 1 and Shri B.B. Patnaik, learned counsel appearing for the private Res.2 and also perused the records.

3. For the purpose of considering this application it is not necessary to go into too many facts of this case. The short facts of this case, according to petitioner is that vacancy in the post of E.D.B.P.M., Kiadingiri B.C. arose due to superannuation of the previous incumbent. Names were called for from the employment exchange and a public notice was also issued. Ultimately seven candidates including petitioner and Res.2 were within the zone of consideration along with others. Both petitioner and Res.2 belong to general category. There was only one candidate belonging to S.C. community, but his case was rejected on the ground that he did not submit all the necessary documents, like, mark sheet of H.S.C. examination etc. Amongst the general candidates Res.2 was selected as he secured the highest percentage of marks in the H.S.C. examination. Res. 2 got 58.28% of marks in the H.S.C.

JVm

Examination whereas petitioner has secured only 45.42% of marks. According to instructions of the D.G.Posts, amongst the eligible persons who has secured the highest percentage of marks in the H.S.C.Examination has to be adjudged as most meritorious. In view of this we find no inconformity in the selection and appointment of Res.2 to the post of E.D.B.P.M., Kiadingiri B.O. The petitioner has also mentioned that he belongs to post-village whereas Res.2 belongs to village Potanai, which is 5 kms. away from the post village. Respondents in the counter have stated that residency in the post village is not an essential condition for appointment to the post of E.D.B.P.M. The present instructions provide that the selected candidate belonging to any village other than the post village must take up residence in the post village and provide a rent free accommodation in the post village for running of the Post Office. In view of this selection and appointment of Res.2 to the post of E.D.B.P.M., Kiadingiri cannot be faulted on the ground of his belonging to a village other than the post village. This contention is, therefore, held to be without any merit and the same is rejected.

In the result, we find no merit in this Application which is accordingly rejected, but without any order as to costs.

(G.NARASIMHAM)
MEMBER (JUDICIAL)

B.K.SAHOO//

Somnath Saha
(SOMNATH Saha)
VICE CHAIRMAN