

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH; CUTTACK.

ORIGINAL APPLICATION NO. 401 OF 1998.

Cuttack, this the 16th day of July, 1999.

Kamalakanta Patra. Applicant.
- Versus -
Union of India & Others. Respondents.

FOR INSTRUCTIONS

1. Whether it be referred to the 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
16.7.99

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH; CUTTACK.

ORIGINAL APPLICATION NO. 401 OF 1998.

Cuttack, this the 16th day of July, 1999.

CORAM:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN

AND

THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDL).

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Shri Kamalkanta Patra,
aged about 21 years,
Son of Shri Gouranga Patra,
Vill/Po. Kankada,
Ps. Baria,
Via. Turmunga, Dist. Keonjhar. Applicant.

By legal Practitioner : M/s. Majoj Mishra, P.K. Mohanty,
P.K. Das, Advocates.

-Versus-

1. Union of India represented through the
Postmaster General, Orissa, Department of
Posts, Bhubaneswar, Town/PO. Bhubaneswar,
Dist. Khurda.
2. Superintendent of Post Offices,
Keonjhar Division, Keonjhar, Dist. Keonjhar.
3. Kshirod Kumar Mohanta,
aged about 36 years,
S/o. Sri Gouranga Mohanta,
Vill/Po. Kankada, Ps. Baria,
Via. Turmunga, Dist. Keonjhar. Respondents.

By legal Practitioner : Mr. A.K. Bose, Senior Standing Counsel
(Central).

S. Som.

11/2/11

O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:

In this original Application under section 19 of the Administrative Tribunals Act, 1985, applicant who is a Scheduled Caste candidate for the post of EDBPM, Kankada post office, has prayed for a direction to the Respondents to select and give appointment to the applicant in the post of EDBPM, Kankada Post Office. For the purpose of deciding this original Application, it is not necessary to go into too many facts of this matter except what has been admitted between the parties. The admitted position is that for filling up of the post of EDBPM, Kankada Post Office, names were called for from the Employment Exchange by the Departmental Authorities. In the requisition made to the Employment Exchange, it was made clear that SC candidate will be given preference. The Employment Exchange Authorities, have, however, sent only one SC amongst the twelve candidates sponsored by them. Thereupon, the Departmental Authorities issued notice calling for names from the general public. Candidates sponsored by the Employment Exchange were asked to apply in proper form with full documentation. Ultimately, six candidates' application came up to be considered and as amongst these six candidates, applicant was only one S.C. candidate, Departmental Authorities have decided to go into fresh public notice. The case of the applicant is that he had the requisite qualification and eligibility to be appointed to the post and therefore, he should be selected and appointed even though he is the lone SC candidate.

S. Som.

for
S. Som.

S. Som.

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Learned Senior Standing Counsel has intimated that the selection process, so far made has been cancelled and fresh notice has been issued inviting application from general public by 19.7.1999- a copy of which has been annexed by applicant as Annexure-A/1 to the MA.

2. We have heard Mr. M. Mishra, learned counsel for applicant and Mr. A. K. Bose, learned Senior Standing Counsel appearing for the Respondents and have also perused the records. We note that initially the post was advertised to be filled up by giving preference to a candidate belonging to SC. In the latest advertisement for which 19.7.1999 has been fixed as the last date of receipt of application, it has been mentioned that no preference will be given to SC candidate. We also note that the efforts of the Department to get applications of SC have not been fruitful ~~twice~~ once by getting names from Employment Exchange and secondly by issuing public notice but as giving representation to SC/ST candidates ~~is~~ upto the extent of their reservation percentage ~~is~~ an obligation on every Government Department, we hold that the Department should make one more effort to get names from the general public belonging to SC candidate. In view of this, Departmental Authorities are directed to issue fresh notice inviting applications from the general public giving preference to SC candidates as has been mentioned in the requisition and the first public notice.

S. Som.

It is submitted by learned Senior Standing Counsel that on a review made by the Department to the selection process made so far, the selection process has been quashed

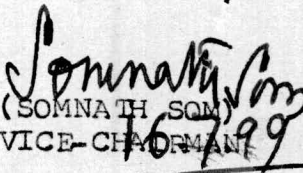
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and he is not aware of the precise ground on which the selection process made so far has been quashed.

~~It~~ ^{is} possible that according to the percentage fixed for the SC candidate, the required percentage, has already been reached in this particular recruitment unit. In consideration of this, above direction is made subject to the condition that if in this particular recruitment unit the required percentage of SC EDBPM has already been reached then it would not be necessary for the Departmental Authorities to issue fresh notice ~~inviting~~ application from SC candidates and in that event the Departmental Authorities should go ahead to proceed with the selection process in pursuance of the notice for which the last date for submission of application has been mentioned as 19.7.1999.

3. With the above directions, the Original Application is disposed of. No costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)


(SOMNATH SOM)
VICE-CHAIRMAN
16/7/99

KNM/CM.