

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.418 OF 1998
Cuttack this the 29th day of June, 1999

(PRONOUNCED IN THE OPEN COURT)

Latif Mohammed

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
29.6.99.

8

**CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO.418 OF 1998
Cuttack this the 29th day of June, 1999

CORAM:

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

..

Latif Mohammed,
aged about 24 years,
S/o. Sk.Tar Mohammed of village and
P.O: Bishanpur, P.S.Tritol,
Dist: Jagatsinghpur

...

Applicant

By the Advocates : M/s.S.K.Das,
P.K.Rath-2
B.Mohapatra,
S.K.Mishra,
C.S.Das, A.Ali,
Sk.Baquaullah

-Versus-

1. Union of India represented by its
Secretary, Department of Posts,
Dak Bhawan, New Delhi
2. Chief Post Master General,
Orissa Circle,
At/PO:Bhubaneswar, Dist: Khurda
3. Superintendent of Post Offices,
Cuttack South Division,
Cuttack-1

...

Respondents

By the Advocates : Mr.A.K.Bose,
Sr.Standing Counsel
(Central)

...

ORDER

MR. SOMNATH SOM, VICE-CHAIRMAN: In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for a direction to respondents to consider candidature from all communities for filling up of the post of Extra Departmental Branch Post Master, Bishnapur Branch Office and to quash Annexure-1 to the Original Application in which the post has been reserved initially for S.T. candidates; failing which for O.B.C.s and thereafter to S.C. and failing all the above three *for SC* the general category candidates. Applicant belongs to general category and it is submitted by him that he has all the necessary qualification and is eligible in all respects for being appointed to the post of E.D.B.P.M. But in response to notice inviting applications though he has applied for the post within the time, he apprehends that his candidature will not be considered as he belongs to general category. In view of this he has come up in this application with the prayers referred to earlier.

2. Respondents in their counter have pointed out that because of large short fall in the representation of S.T. amongst the E.D.B.P.M.s/S.P.Ms, in accordance with the instruction of D.G.(Posts), the post has been reserved for S.T.Candidate failing which by O.B.C. candidates and failing that by S.C. candidates. In case required number of candidate is not available from any of these three categories, then the post will be filled up by general category candidate. Respondents have further stated that in response to public notice, no S.T. candidate has made any application and therefore, the

matter has to be considered to be filled up by candidates belonging to O.B.C. category. The respondents have stated that because of large short fall in representation of these categories, the Department is entitled to make reservation. So far as candidates in the zone of consideration is concerned, it has been stated by the respondents that there are five applicants belonging to O.B.C. category and one of unreserved category, i.e. petitioner. The petitioner has secured 36.7 per centage of marks where as the four amongst the five OBC candidates have secured between 55.14% and 39.28% of marks. Therefore, even if the post is treated to be unreserved, the petitioner has no chance of being selected because O.B.C. candidates have secured higher percentage of marks than the applicant.

3. When the matter is called, learned counsel for the petitioner was absent nor any request ^{was} made on his behalf seeking adjournment. This matter was posted to-day for peremptory hearing. In view of this the matter cannot be allowed to drag on indefinitely. We have therefore, heard Shri A.K.Bose, learned Senior Standing Counsel on merits and also perused the records. It is clear from the pleadings that taking into account the short fall in representation of S.T./SC/OBC candidates, the Department is authorised to reserve the post in respect of a specific category. In this case the post was reserved for S.T. candidates, but no S.T. candidates have applied for the same. The next preference is given to O.B.C. In response to public/ ^{notice} five O.B.C. candidates have applied for the post and the present applicant is the only

candidate in the general category. Even, assuming the candidature of the applicant is taken into consideration along with the candidates of O.B.C. category, the applicant cannot be selected, because the selection to the post of E.D.B.P.M. is based on highest percentage of marks secured by the candidate in the H.S.C. examination. The applicant admittedly has secured less percentage of marks than four O.B.C. candidates in the zone of consideration.

In view of discussions made above, we hold that the applicant has not been able to make out a case for any of the relief prayed for by him. The application is held to be without any merit and the same is rejected, but without any order as to costs.

(G.NARASIMHAM)
MEMBER (JUDICIAL)

B.K.SAHOO

(SOMNATH SOM)
VICE-CHAIRMAN

20/6/99