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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 423 OF 1998
Cuttack this the 6th day of January, 2000

Smt. Unna susama Kumari
@Gudla Susama

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*

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN

G. Narasimham
(G. NARASIMHAM)
MEMBER (JUDICIAL)

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ORIGINAL APPLICATION NO.423 OF 1998
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CORAM:

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

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Smt.Unna Susama Kumari, @ Gudla Susama(after marriage)
aged about 29 years, W/o. Gudla Chinnikrihna
resident of Nilamguda, PO: Kujendri
Dist: Rayagada

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Applicant

By the Advocates : M/s.C.A.Rao
S.K.Behera
P.K.Sahoo

-Verus-

1. Union of India represented through the Secretary,
Department of Posts, Dak Bhawan, New Delhi
2. Chief Post Master General, Orissa Circle,
Bhubaneswar, Dist: Khurda
3. Post Master General, Berhampur Region, Berhampur,
Dist: Ganjam
4. Senior Superintendent of Post Offices, Jeypore
(Koraput) Division, At/Po: Jeypore, Dist: Koraput
5. Madhab Bidika Son of Sahadev Bidika, of Village:
Nilamguda, PO: Kujendri, Dist: Rayagada

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Respondents

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

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ORDER

MR.G.NARASIMHAM, MEMBER(JUDICIAL): In this application for quashing the selection and appointment of respondent No.5, Madhab ^{B. S. J. K. K.} ~~Barika~~ to the post of Extra Departmental Branch Post Master, Neelamguda Branch Office under Kujendri Sub-Post Office and for direction to the departmental respondents 1 to 4 to consider her application for the post or in the alternative to direct the Department for making fresh selection, applicant's case is that although she passed H.S.C. examination and is a woman and a resident of the post-village having annual income of Rs.25, 000/- as per income certificate vide Annexure-2 and although she had applied for the post, her application was illegally left out of consideration.

2. Though noticed, Respondent 5 had not entered appearance. The stand of the Department is that as per D.G.(Posts) circular dated 27.11.1991 (Annexure-R/2) preference for the post was kept open for the SC/ST candidates due to short-fall ⁱⁿ ~~of~~ ₂ their representations in the F.D.Posts in Koraput Division. Still all the six applications including that of the applicant received were scrutinised as per check sheet vide Annexure-R/1. But only Res.5 being S.C. and Nilamani Gomango(ST) came under the zone of selection and their documents were verified and Res.5 was selected and appointed. There is no provision for preference to woman candidate. There being no illegalities or irregularities in selection, this application, according to departmental respondents, deserves to be dismissed.

3. No rejoinder has been filed.

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4. We have heard Shri C.A.Rao, learned counsel for the applicant and Shri A.K.Bose, learned Senior Standing Counsel. Also perused the records.

5. Since rejoinder has not been filed, facts averred in the counter and running not contrary to the averments in the application have to be treated as correct. Hence particulars mentioned in the check list (Annexure-R/1) are correct. The check list consists of particulars of six candidates including the applicant. ^{Out} ~~Best~~, of all these six candidates, she secured the lowest percentage of marks in the H.S.C. examination. At this stage it should not be overlooked, she had neither annexed her H.S.C. pass Marksheet nor mentioned about the marks in the Original Application. As per check list, while she secured 233 out of 700, selected candidate Res.5 secured 244 out of 700. As per the recruitment rules for F.D.B.P.M., a candidate securing higher percentage of marks in the H.S.C. or equivalent examination under normal circumstances will be preferred. Another eligibility criterion is the person selected must have adequate means of livelihood. This criterion is fulfilled by Res.5 because like the applicant, he too has annual income of Rs.25, 000/-. Thus even if preference was not given considering his S.C. caste, Res. 5 would have been preferred to the post than the applicant. This being the position it is necessary to determine as to whether there was really short fall in percentage of SC/ST F.D.Agents in that Postal Division when requisition was sent to the Employment Exchange to sponsor names for filling up the vacancy.

F.D. Rules nowhere provide lady candidates are to be preferred in the matter recruitment. No authority ^{to} ~~to~~ in

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this respect was even placed by the learned counsel for the applicant. Hence assertion in the application that she is a lady has no significance.

Another assertion made in the application is that she is a native of the post village. The Apex Court in the above context settled that in the matters of employment place of residence cannot be a criterion. Even then all the six candidates including Res.5 as per the check list are residents of the post village.

6. Thus we see that the applicant has no cause of action to file this application which is accordingly dismissed, but without any order as to costs.

Somnath Som
(SOMNATHSOM)
VICE-CHAIRMAN

B.K.SAHOO

6.1.2000
(G.NARASIMHAM)
MEMBER(JUDICIAL)