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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 451 OF 1998  
Cuttack this the 06<sup>th</sup> day of July, 2000

Gajamohan Patel

...

Applicant(s)

-VERSUS-

Union of India & Others

...

Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? ✓
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? ✓

*Somnath Som*  
(SOMNATH SOM)  
VICE-CHAIRMAN  
6.7.2000

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

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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 451 OF 1998  
Cuttack this the 06<sup>th</sup> day of July, 2000

CORAM:

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

Gajamohan Patel,  
aged 50 years  
S/o. Late Baneswar Patel,  
At/PO: Kuleigada, P.S. Kuchinda  
Dist: Sambalpur

...

Applicant

By the Advocates

M/s. Siddheswar Mallik  
S.K.Dash  
S.L.Kumar  
B.Mohanty  
K.B.Mohapatra

-VERSUS-

1. Union of India represented by  
the Chief Post Master General  
At/PO: Bhubaneswar  
Dist : Khurda
2. Superintendent of Post Offices,  
Sambalpur Division, At/PO/Dist:  
Sambalpur

...

Respondents

By the Advocates

Mr. S.B. Jena  
Addl. Standing Counsel  
(Central)

...

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O R D E R

MR. G. NARASIMHAM, MEMBER (JUDICIAL): Aggrieved by cancellation of his provisional selection to the post of Extra Departmental Branch Post Master, Kuleigarh Branch Office, applicant Jagamohan Patel prays for quashing the fresh notification dated 18.8.1998 (Annexure-5) inviting applications for that post and for direction to respondents to appoint him in that post and also to pay him compensation.

2. There is no dispute that the applicant was earlier provisionally selected to that post by Res.2, the appointing authority, who directed the concerned S.D.I.(P) through letter dated 28.7.1997 (Annexure-1 and also R/1) to allow the applicant to join only after satisfactory verification of genuineness of all the certificates and documents submitted by him, and after imparting necessary training to him. But on receipt of the report dated 16.8.1997 (Annexure-R/3) this provisional selection was cancelled through order dated 18.8.1998 (Annexure-R/2). The stand of the Department is that since the verification of the document raised a bonafide doubt in regard to genuineness of the documents, no illegality has been committed in canceling the selection before issue of the appointment order. Doubt is mainly due to the fact that while the applicant described his name as Gajamohan Patel, the caste certificate dated 29.1.1994 produced by him stands in the name of Jagamohan Patal and that the xerox copy of affidavit dated 12.4.1978 to the effect he is also known as Jagamohan Patal could not be verified for non availability of records.

3. No rejoinder filed.

4. Heard Shri S.Mallick, learned counsel for the applicant and Shri S.B.Jena, learned Addl.Standing Counsel appearing

for the respondents. Also perused the records.

5. The only point for determination is whether due to discrepancy in the caste certificate provisional selection of the applicant would be cancelled. In this connection report of the S.D.I.(P) (Annexure-R/3) is relevant. His report discloses that he went to the concerned Village and his local inquiry revealed that the applicant is also known as Jagmohan Patel and that there is no other Jagamohan Patel as son of Late Baneswar Patel (father of the applicant) in that village. He was therefore, of the view that the applicant is also known as Jagamohan Patel. In the counter no reason has been assigned for not accepting this report of the S.D.I.(P). The main ground in the counter, as earlier stated is that the caste certificate produced by the applicant does not stand in his name, but in the name of Jagamohan Patel. This may be relevant if in the earlier notification to fill up the post, pursuant to which the applicant was provisionally selected caste factor was given importance by mentioning that the post was reserved for a particular caste or community and/or preference would be given to such caste/community. This is, however, not the case of the Department in the counter. On the other hand this fresh notification dated 18.8.1998 which is under challenge in this application is clear that the post has not been reserved to any community or caste or any preference would be given to any community/caste. We cannot therefore, presume that the earlier notification was also a notification of this nature <sup>without</sup> making any room for reservation to any category. Hence even if the caste certificate produced by the applicant stood in the name of Jagamohan Patel, the applicant could have been appointed. Moreover, as already stated, in the counter no

reason has been assigned for not accepting the report of the S.D.I.(P), who went to the concerned village and caused enquiries.

6. We are, therefore, of the view that there was no legal justification to cancel the provisional selection of the applicant. Thus while quashing cancellation order of provisional selection of the applicant (Annexure-R/2) and consequently fresh notification dated 18.8.1998 (Annexures-A/5 and R/4) inviting applications we direct the respondents to appoint the applicant to the post of E.D.B.P.M., Kureigarh Branch Office within a period of 30 (Thirty) days from the date of receipt of this order. Prayer for payment of compensation is disallowed. Since notification dated 18.8.1998 stands quashed, interim order dated 15.9.1999 directing that the Department should make appointment with the leave of this Bench has become infructuous.

7. In the result, Original Application is accordingly allowed, but without any order as to costs.

*(Signature)*  
(SOMNATH SOM)  
VICE-CHAIRMAN  
6.7.2000

*(Signature)*  
(G.NARASIMHAM)  
MEMBER (JUDICIAL)

B.K.SAHOO//