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

**ORIGINAL APPLICATION NO. 493 OF 1998
Cuttack this the 27th day of May, 1999**

(PRONOUNCED IN THE OPEN COURT)

Manas Kumar Sahu

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*

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(G.NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som.
(SOMNATH SOM)
VICE-CHAIRMAN
27.5.99

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

ORIGINAL APPLICATION NO.493 OF 1998
Cuttack this the 27th day of May, 1999

CORAM:

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

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Manas Kumar Sahu,
aged about 24 years,
S/o. Nandakishore Sahu
of Vill:/Po: Mohidharpur
PS: Banarpal, Dist: Angul

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Applicant

By the Advocates : M/s.Deepak Kr.Dey
C.R.Satapathy,
D.K.Pradhan
A.K.Pradhan
C.K.Dey

-Versus-

1. Union of India through
Chief Post Master General,
Orissa Circle,
Bhubaneswar-751001
Dist: Khurda
2. Superintendent of Post Offices
Dhenkanal Division,
Dist: Dhenkanal

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Respondents

By the Advocates : Mr.B.K.Nayak,
Addl.Standing Counsel
(Central)

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ORDER

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MR. SOMNATH SOM, VICE-CHAIRMAN: In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for quashing the notification dated 28.8.1998 vide Annexure-1 calling for applications from the general public for the post of Extra Departmental Branch Post Master, Mohidharpur in account with Hindol S.O. In this notice applications have been invited from persons belonging to Scheduled Caste and it has been mentioned that if minimum number of persons belonging to S.C. do not apply then the post if will be filled up, firstly by Scheduled Tribe candidates; failing which persons belonging to O.B.C. community and failing that by persons belonging to general category candidates. The applicant has also prayed for a declaration that the post should be declared to be filled up by person belonging to general category candidate. In support of his contentions he has stated that the vacancy has arisen due to retirement on superannuation of the previous incumbent, viz., Shri Biswanath Sahu during whose time the post was not reserved for SC/ST. It is further stated that majority of the members of Gram Panchayat belong to general community. The Sarpanch, Member of Panchayat Samiti etc. are also belonging to general community and there is no reservation. In view of this he has challenged the reservation of the post for persons belonging to S.C. as mentioned earlier. It is further stated that the applicant represented before Res.2 praying for not to reserve the post to any particular community, but his representation at Annexure-2 has not been considered; that is why he has come up in this

Original Application with the prayers referred to earlier.

2. The respondents in their counter have stated that the total number of E.D.B.P.M./E.D.S.P.M. in Dhenkanal Division is 407. But the representation of SC/ST/OBC are 8, 2 and 1 respectively. The required percentage of reservation in respect of SC/ST/OBC is 15%, 23% and 12% respectively. In view of this large short fall, particularly in respect of S.C. community, the post has been ordered to be filled up by person belonging to S.C. community. On the above grounds the respondents have opposed the prayer of the applicant.

3. This matter was fixed to to-day for final disposal at the admission stage. Learned counsel for the petitioner was not present when called nor was there any request made on his behalf seeking adjournment. In view of this we have heard Shri B.K.Nayak, learned Addl. Standing Counsel on merits and also perused the records.

4. From the counter filed by the respondents it is seen that out of 407 post of E.D.B.P.M./E.D.S.P.M. in Dhenkanal Division as against required percentage of 15 for S.C. community, there are only 8 S.C. incumbents. Percentage of short fall in case of S.T. and O.B.C. is still larger. However, it is for the Department to decide if a particular post will be filled up by S.C./S.T./O.B.C. In the instant case the respondents have decided that the post should be filled at the first instance by S.C. candidate failing which by S.T. and failing which by O.B.C. in view of large percentage of short fall as against the required percentage. There is

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nothing wrong in reserving the post in the manner the respondents have done. The contention of the applicant that the post of Sarpanch and Member of the Panchayat Samiti being in the unreserved category, the post of E.D.B.P.M. should also be unreserved is without any basis. Reservation for the post of Sarpanch and Member of Panchayat Samiti is done under the ^{Act of} ~~Act of~~ Constitution as also the relevant State Legislature. That has got nothing to do with the reservation in respect of E.D.B.P.M. This contention is, therefore, held to be without any merit. In view of this we hold that the 2nd prayer of the applicant that the post should be declared unreserved is without any merit and the same is therefore, rejected. This being the only ground on which the applicant has challenged Annexure-1, his first prayer for quashing Annexure-1 is also rejected.

In the result therefore, the application is rejected as the applicant has not been able to make out a case for any of the relief prayed for by him. There shall however, be no order as to costs.

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(G.NARASIMHAM)
MEMBER(JUDICIAL)

B.K.SAHOO

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
07/08/99