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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK

ORIGINAL APPLICATION 57 OF 1998
Cuttack this the 1st day of May 2000

Biplab Keshari Nanda

Applicant(s)

-Versus-

Union of India & Ors.

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

G.Narastham
(G.NARASTHAM)
MEMBER (JUDICIAL)

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK

ORIGINAL APPLICATION NO. 57 OF 1998
Cuttack this the 1st day of May 2000

CORAM:

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

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Biplab Keshari Nanda
aged about 26 years
Son of Sri Trilochan Nanda
of Village/Post: Fakirapara
Via: Bribati PS: Sadar
District: Cuttack

...

Applicant

By the Advocates : M/s. P.C. Biswal
M.R. Bhol
Miss. M. Jena

-Versus-

1. Union of India represented through
Chief Post Master General
Orissa Circle Bhubaneswar
District : Khurda-751001
2. Director
Postal Services (H.Qrs.)
Bhubaneswar Dist: Khurda-751001
3. Senior Superintendent of Post Offices
Cuttack City Division
Cantonment Road
Cuttack-753001
4. Inspector Post Offices
Cuttack City Division
Buxibazar Cuttack-753001
5. Abhiram Swain aged about 41 years
Son of Ganeswar Swain of
Village/Po: Fakirapada PS: Sadar
Dist: Cuttack

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Respondents

By the Advocates : Mr. B.K. Nayak
Addl. Standing Counsel
(Central)
(For Res. 1 to 4)
M/s. S. Muduli
S. Ch. Bhuyan
R. Pradhan
(Res. 5)

ORDER

MR.G.NARASIMHAM MEMBER(JUDICIAL): In this application seeking cancellation of selection and appointment of Abhiram Swain(Res.5) to the post of Extra Departmental Branch Post Master Fakirapda B.O. admittedly the applicant secured higher percentage of marks in the H.S.C.Examination than private Res.5. However he was not considered for appointment on the ground that he had not enclosed any document showing landed property standing in his name. Legal position is clear that besides securing higher percentage of marks in the H.S.C.examination the selected E.D.B.P.M. must have adequate means of livelihood. In support of that documentary evidence is necessary. It is true that the applicant had filed an unregistered document dated 26.4.1997 styling it as Deed of Family Partition Certificate which discloses 17 Dec. of land fell into the share of the applicant. This document though not admissible under law ~~will have some~~ ^{we} importance and observe that had the applicant filed the authenticated R.O.R. his case could have been considered. In the absence of any such R.O.R. we are not inclined to take into consideration the other factual aspects of the Deed which is annexed as Annexure-R/5 to the counter. It comes to this there is no material to indicate that the applicant has adequate means of livelihood.

2. As the pleadings reveal next to the applicant is Res.5 who secured higher percentage of marks in the H.S.C. examination. This post was advertised on preferential basis to be given to Scheduled Caste candidate though initially as appearing the post was

offered to the Scheduled Caste candidate but the latter refused. Hence Res.5 who secured higher percentage of marks in the H.S.C. Examination and having adequate means of livelihood has been selected and appointed to the post of E.D.B.P.M. Fakirapara. We do not see any illegality in such selection and appointment.

In the result we do not see any merit in this Application which is accordingly dismissed but without any order as to costs.

Somnath Som
 (SOMNATH SOM)
VICE-CHAIRMAN
 5/200

G.Narastham
 (G.NARASTHAM)
 MEMBER (JUDICIAL)

B.K.SAHOO