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CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH, CUTTACK.

O.A. NO. 271 OF 1999

Cuttack, this the 27<sup>th</sup> day of February, 2003

Pravakar Das

.....

Applicant

Vrs.


Union of India and others

.....

Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not? No.
2. Whether it be circulated to all to all the Benches of the  
Central Administrative Tribunal or not? No.

  
(M.R. MOHANTY)  
MEMBER (JUDICIAL)

  
(B.N. SOM)  
VICE-CHAIRMAN

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O.A.NO. 271 OF 1999

Cuttack, this the 27<sup>th</sup> day of February, 2003

CORAM:

HON'BLE SHRI B.N.SOM, VICE-CHAIRMAN  
AND  
HON'BLE SHRI M.R.MOHANTY, MEMBER(JUDL.)

Sri Pravakar Das, aged 40 years, son of Iswar Das, Vill-Khunta,  
P.O.Rahama, Dist. Jagatsinghpur ..... Applicant

Advocate for the applicant - Mr.P.K.Padhi

Vrs.

1. Union of India, represented by its Chief Post Master General, Orissa Circle, At/PO Bhubaneswar, District Khurda 751 001.
2. Superintendent of Post Offices, Cuttack South Division, At P.k.Parija Marg, P.O. G.P.O, Dist. Cuttack.
3. Sub Divisional Inspector (Postal), Kujanga Sub Division, At/PO Kujanga, Dist. Jagatsinghpur.
4. Akshya Kumar Nayak, Postman, At/PO Paradip Port Sub Post Office, Dist. Jagatsinghpur

..... Respondents.

Advocate for respondents – Mr. S.Behera, ASC.

.....

ORDER

HON'BLE SHRI B.N.SOM, VICE-CHAIRMAN

Shri Pravakar Das has filed this Original Application seeking direction from the Tribunal to Respondent Nos. 1 and 2 to post him as Postman with effect from

the date Respondent No.4 has been promoted to Postman cadre, with all consequential service benefits including back wages.

2. The facts of the case are that while working as EDDA of Rahama Sub Post Office in Cuttack South Division, the applicant appeared in the departmental examination held on 26.5.1996 for promotion to the Postman cadre and he qualified in that examination. Subsequently, Respondent No.2 informed him, vide Annexure 2, that his case could not be considered because of non-availability of vacancy in O.C. category. The applicant avers that he belongs to OBC category and therefore, the Respondents could not have denied him promotion on the ground that there was no vacancy in OC category.


3. The Respondents have refuted the allegations of the applicant by submitting the counter. It has been stated by them that the applicant, although qualified in the said examination, could not be offered promotion as more meritorious candidates were available in the field. Further, it was contended by them that the applicant entered in service in 1978 as OC candidate and his caste "Gopal" was declared OBC only in September 1993. However, there was no vacancy available under OBC quota for the Postman Departmental Examination held in 1996. With regard to the objection raised by the applicant about appointment of Respondent No.4, it has been stated by the Respondents that the latter was appointed as Postman under merit quota in the examination held on 20.7.1997 and was not selected from the examination held on 26.5.1996 in which the applicant appeared.

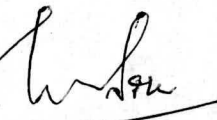
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3. We have heard Shri P.K.Padhi, the learned counsel for the applicant and Shri S.Behera, the learned Additional Standing Counsel, appearing for the Respondents and have perused the records.

4. As it has been stated by the Respondents (and also not refuted by the applicant) that the allegation of the applicant that Respondent No.4 was also a candidate in the departmental examination held on 26.5.1996, along with the applicant, is a wrong statement, we see no merit in the Original Application. Further, the applicant's plea that he was not considered as an OBC candidate also falls through as there was no vacancy available under OBC quota to consider his case.

5. In the aforesaid premises, this O.A. fails. No costs.

  
(M.R. MOHANTY)  
MEMBER (JUDICIAL)

  
(B.N. SOM)  
VICE-CHAIRMAN

AN/PS