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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 294 OF 1999
Cuttack this this 6th day of April, 2000

Ganesh Chandra Pradhan

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 ~~the~~ Central Administrative Tribunal or not ?

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN

6-4-2000
(G. NARASIMHAM)
MEMBER (JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 294 OF 1999
Cuttack this the 6th day of April, 2000

CORAM:

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

...

Sri Ganesh Chandra Pradhan
aged about 21 years,
S/o. Surendranath Pradhan
Resident of Olarah
PO: Olarah, Via: Borikina-754110
Dist: Jagatsinghpur

...

Applicant

By the Advocates : Ms.S.L.Patnaik
Md.Arif

-Versus-

1. Union of India represented through its Secretary, Postal Department
Dak Bhawan, New Delhi-11001
2. Chief Post Master General,
Orissa Circle, Bhubaneswar-751001
3. Superintendent of Post Offices
Cuttack South Division, Cantonment Road
Cuttack-753001
4. Assistant Superintendent of Post Offices
T/c., Jagatsinghpur Sub-division
Jagatsinghpur-754103
5. Surendra Kumar Sahoo
Extra Departmental Delivery Agent
Olarah Branch Post Office
At/Po: Olarah, Via: Borikina-754110
Dist: Jagatsinghpur

...

Respondents

By the Advocates : Mr.S.Bhera
Addl.Standing Counsel
(Res. 1 to 4)
M/s.U.K.Mohanty
H.K.Malik
(Res. 5)

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ORDER

MR.G.NARASTHAMMAM, MEMBER(JUDICIAL): In this application for quashing the selection and appointment of Res.5 to the post of Extra Departmental Delivery Agent, Olarah Branch Office, the applicant Ramesh Chandra Pradhan and Respondent 5(Surendranath Sahoo) and some other candidates were considered by the Department for selection to the post in question in response to notification of vacancy issued under Annexure-1 dated 5.6.1998. Applicant and Res.5 are Matriculates and residents of the village Olarah.

2. The case of the applicant is that when he secured higher percentage of marks in the H.S.C.Examination than Respondent 5, he should have been selected to the post of E.D.D.A., Olarah in preference to Res.5 and as such the selection and appointment of Res.5 to that post is contrary to law.

2. Respondent 5 though duly noticed made appearance through an advocate, but had not filed any counter. However, his counsel was heard at length during hearing of the application.

3. The stand of the Departmental respondents in their counter is that through Res.5 secured less percentage of marks in H.S.C.Examination he being an O.B.C. candidate was selected and appointed to the post.

4. We have heard Ms. S.L.Patnaik, learned counsel for the applicant, Shri S.B.Bhera, learned Addl.Standing Counsel appearing on behalf of the departmental respondents and Shri H.K.Mallick, learned counsel appearing on behalf of Res.5. After conclusion of the arguments Ms.Patnaik, learned counsel for the applicant

had also filed notes of arguments. Perused the same.

5. The qualification for appointment to the post of E.D.D.A. is ~~VII~~ Standard pass, but preference can be given to the candidates of Matriculation qualification. At the same time no weightage should be given for any qualification higher than the Matriculation. He should have also sufficient working knowledge of the regional language and simple arithmetics so as to read and write and ~~dis~~charge the duties satisfactorily (Vide Chapter - Method of Recruitment of Swamy's Compilation of Service Rules for Postal E.D.Staff)(99th Edition) Page-75). At the same time for recruitment to the post of E.D.B.P.M./E.D.S.P.M., the criterion is that candidate securing higher percentage of marks in the Matriculation or H.S.C. Examination among the candidates applied to the post ~~is~~ normally to be selected. In other words, higher percentage of marks in the Matriculation Examination is not necessarily the criterion for selection to the post of E.D.D.A.

But the question for consideration is where there are two candidates of Matriculate qualification for that post, belonging to the same locality, what is the norm for selection in the absence of any other guideline. The plea of the Department that Res.5 was selected because he was a candidate belonging to O.B.C. does not hold water because, under Annexure-1, i.e. notification calling for applications for filling up the vacancy, there is absolutely no indication that preference would be given to OBC or persons belonging to other reserved communities. It is also not the case made out in the counter that since there has been short fall in

representation of O.B.C. candidates in respect of the post of E.D.D.A. in that Postal Division, selection and appointment of Res.5 in preference to other candidates became necessary. In the absence of any such stand in the counter and the notification calling for applications to fill up the vacancy being silent that preference would be given to O.B.C. candidates or the candidates belonging to other reserved communities, in our view the percentage of marks secured in the Matriculation Examination should be the criterion for selection. On a perusal of the check list under Annexure-R/4 it is found that some candidates including the applicant secured higher percentage of marks than Res.5. We, therefore, quash selection and appointment of Res.5 to the post of E.D.D.A., Olarah B.O. and direct departmental respondents to consider the candidates whose names have been sponsored by the employment exchange and who had applied pursuant to the direction of this Tribunal and whose applications are complete in all respects and select a candidate one among them keeping in mind the legal position as discussed above. *within ninety days of the date of receipt of copy of this order*

In the result, the application is allowed, but no order as to costs.

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN

B.K.SAHOO

1-16-4-2003
(G.NARASIMHAM)
MEMBER (JUDICIAL)