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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 452 OF 1999.

Cuttack, this the 17th day of January, 2001.

Ashok Kumar Jena.

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Applicant.

- Versus -

Union of India & Ors.

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Respondents.

FOR INSTRUCTIONS

1. whether it be referred to the reporters or not? Yes.
2. whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som.
(SOMNATH SOM)
VICE-CHAIRMAN
17.1.2001.

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 452 OF 1999.
Cuttack, this 17th day of January, 2001.

CORAM:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN

AND

THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDICIAL).

..

Sri Ashok Kumar Jena,
Aged about 30 years,
Son of Manmath Jena,
At: Badasankha Nua Sahi,
Puri Town,
PO/Dist: Puri.

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Applicant.

By legal practitioner : M/s. N. P. Patnaik, R. K. Sahoo, Advocates.

- VERSUS -

1. Union of India through Chief Postmaster General, Orissa Circle, At/PO: Bhubaneswar, Dist: Khurda.
2. Senior Superintendent of Post Offices, Puri Division, At/PO/Dist. Puri.
3. Assistant Superintendent of Post Offices, Puri Sub Division, At/PO/Dist. Puri.
4. Sulechana Sahoo, D/o. Padmalechan Sahoo, At-Paral, PO: Bantaliagan, Via-Puri-2, Dist. Puri.

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Respondents.

J. S. Jom
By legal practitioner: Mr. B. Dash, Additional Standing Counsel.

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O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:

In this Original Application, the applicant has prayed for quashing the selection and appointment of Sulechana Sahoo, Respondent No. 4 as E.D.D.A., Gopinathpur Branch Post Office and also for a direction to the Departmental Respondents to appoint the petitioner to that post. Departmental Respondents have filed counter opposing the prayers of applicant. Private Respondent No. 4 was issued with notice but she did not appear or file counter.

2. For the purpose of considering this petition it is not necessary to go into too many facts of this case. Applicant has urged different grounds in support of his prayers and these are discussed below. It has been urged by the applicant that Respondent No. 4 the selected candidate is the neice of the Assistance Superintendent of Post Offices i.e. Respondent No. 3 and she has been given appointment because of favouritism. Respondents in their counter have strongly refuted this assertion and have stated that Respondent No. 4, the selected candidate is in no way related to Respondent No. 3. Moreover, Hon'ble Supreme Court in the case of Baliram Prasad vrs. Union of India reported in AIR 1997 SC 637 have held that nonselection of more meritorious candidate on the ground of his or her relationship with an officer in the same office would be violative of Article 14 and 16 of the Constitution. In view of this the above contention is held to be without any merit and is rejected. The second ground urged by applicant is that he belongs to SC category and he should have been shown preference over Respondent No. 4 who belongs to unreserved

J. S. M.

community in accordance with the departmental instructions. Respondents have pointed out that in the notice inviting applications it was clearly mentioned that preference will be given to ST candidate. No preference was required to be given to candidates belong to SC category. Moreover, it has been urged by Respondents and not denied by the applicant by filing any rejoinder that out of the total 126 ED employees under the administrative jurisdiction of Res. No. 3 number of employees belonging to SC community is 22 representing 17.4% as against the required percentage of reservation of 15%. Thus, the SC community had already been ever represented and therefore, no ST community having applied for the job the post was treated as unreserved. We find no illegality in such action of the Departmental Authorities and therefore, this contention of the applicant is also rejected. Respondents have pointed out that amongst the candidates one Prasanananda Mishra, has secured the highest percentage of mark of 57.75% in HSC examination but his candidature was rejected since the character certificate submitted by him was found bogus on verification. They have further stated that Respondent No. 4, Sulechana Sahu was the person who has secured the next highest percentage of mark of 57.33% and therefore, she was selected. Applicant on the other hand had secured on 39.42% of marks and therefore, Respondent No. 4 has been rightly selected. We also find no illegality in the action of the Departmental Respondents.

S. J. Jom

3. Lastly, we note that Respondents have stated in their counter that the applicant had neither filled up the application form completely nor had signed the form. Respondents

have enclosed the application of the applicant at Annexure-R/6. A person who applies for a post must be capable of filling of the application form properly and the applicant has not even signed the application form. He has therefore, no right to be considered for the post and as such he has no cause of action to be agitated before us.

4. In the result, therefore, we hold that the applicant is not entitled to get any of the reliefs claimed in this O.A. The Original Application is accordingly rejected. No costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN 201

KNM/CM.