

3

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH,CUTTACK

O.A.NO. 516 OF 1999
Cuttack, this the 9th day of March,2004

Mamata Moharana Applicant

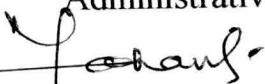
Vrs.

Union of India and others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not? *Ans*

2. Whether it be circulated to all the Benches of the Central
Administrative Tribunal or not? *Ans*


(M.R.MOHANTY)
MEMBER(JUDICIAL)


(B.N.SOM)
VICE-CHAIRMAN

U

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH,CUTTACK

O.A.NO.516 OF 1999
Cuttack, this the 9th day of March,2004

CORAM:

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

.....

Mamata Maharana,aged about 27 years,daughter of Brundaban
Maharana,At/PO Khajapalli,Via Khalikote,Dist.Ganjam

.....
Applicant

Advocates for the applicant - M/s A.A.Das, B.Mohanty,
R.Rath,J.K.Patnaik,S.Das &
P.K.Naik.

Vrs.

1. Union of India, represented through the Chief Post Master General
of Post Offices, Orissa Circle,Bhubaneswar, District Khurda.
2. Senior Superintendent of Post Offices, Berhampur Division,
Berhampur, District Ganjam.
3. Sri Niranjan Pradhan,at present working as Extra Departmental
Post Master, Khajapalli Branch Post Office,At/PO Khajapalli,Via
Khalikote, Dist.Ganjam

.....

Respondents

Advocates for the Respondents - Mr.S.Behera, S.B.Jena,
B.S.Tripathy & M.K.Rath.

G

SHRI B.N.SOM, VICE-CHAIRMAN

Ms. Mamata Moharana has filed this Original Application challenging the order of appointment of Respondent No.3 as Extra Departmental Branch Post Master (for short, 'EDBPM'), Khajapalli Branch Post Office, on the ground that the said selection was made in an illegal and arbitrary manner.

2. The case of the applicant is that on superannuation of her father from the post of EDBPM, Khajapali Branch Post Office, the post had fallen vacant. She had worked as EDBPM in different spells during the service time of her father and was very much conversant with the job. But without taking cognisance of her past experience and also the fact that the Khajapali Branch Post Office had been functioning in the house of the applicant for last 42 years, the departmental Respondents advertised the post and selected a candidate, ignoring her claim although she was a lady candidate, belonged to OBC category and had past experience ^{of} the job.

3. The departmental Respondents have opposed the Original Application on all counts stating that under the Recruitment Rules prescribed for appointment to the post of EDBPM, no provision exists for giving preference or priority to past experience of a candidates in the post, or on the ground of gender/sex, or on any other ground as claimed by the applicant. The fact of the matter is that the post was not reserved for OBC but was notified as reserved for ST category. It was duly advertised to the local Employment Exchange as well as through public notification, as a result of which 12 candidates applied for the post. However, as the departmental Respondents did not get three eligible candidates either from ST, or from SC, or from OBC



3 6
category, the vacancy was treated as unreserved in terms of the condition so set forth in the vacancy notification. Respondent No.3 having secured highest marks among all the candidates and fulfilled all the recruitment criteria, was selected.

4. We have heard the learned counsel for both the parties and have perused the records placed before us. In the Original Application the applicant has not brought to our notice any instance of procedural irregularity, or contravention of the Recruitment Rules by the departmental Respondents in making selection to the post of EDBPM, Khajapali Branch Post Office. Her grievance lies in that being a lady and a member of OBC community and having past experience in the post, she should have been given preference. We have perused the Recruitment Rules for the post. We have also gone through the conditions for selection to the post, as notified in the public advertisement as well as in the requisition to the Employment Exchange. We have not found any such condition, as stated by the applicant, to be available for judicial consideration, nor has the applicant been able to place before us any Government order wherein it has been prescribed that in the matter of appointment to the post of EDBPM/EDA preference should be given to a lady candidate, ^{preference to be given} or if a candidate has previous experience in the post. The law is now well settled by the Apex Court that the recruitment conditions for any post of EDA do not provide for weight age on ground of past experience. That being ^{now} the law position in the matter, we see no reason for the

Applicant to feel aggrieved and therefore, we see no merit in this Original Application which is accordingly disposed of. No costs.

(M.R.MOHANTY)
MEMBER(JUDICIAL)

An/ps

(B.N.SOM)
VICE-CHAIRMAN