

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 389 OF 2000
Cuttack this the 16th day of Sept./2002

B. Das ... Applicant(s)

-VERSUS-

Union of India & Others ... Respondent(s)

FOR INSTRUCTIONS

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

(B.N. SOM)
VICE-CHAI RMAN

Jonal
16/9/2002
(M.R. MOHANTY)
MEMBER (JUDICIAL)

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

ORIGINAL APPLICATION NO. 389 OF 2000
Cuttack this the 16th day of September/02

CORAM:

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

Sri Balaram Das, aged about 19 years,
S/o. Sri Bimal Kumar Das, Village/PO-Chadhei gaon
Via-Kestha, Dist-Mayurbhanj

... **Applicant**

By the Advocates

M/s.B.B.N.Dwibedi
S.P. Swain

-VERSUS-

1. Union of India represented by the Secretary to Government, Ministry of Communications, Govt. of India, New Delhi-1
2. Director General, Posts, Govt. of India, New Delhi-1
3. Chief Post Master General, Orissa Circle, At/PO-Bhubaneswar, Dist-Khurda
4. Superintendent of Post Offices, Mayurbhanj Division, At/PO-Baripada, Dist-Mayurbhanj
5. Sub-Divisional Inspector of Post Offices, West Sub-Division, At/PO-Baripada, Dist-Mayurbhanj
6. Sub Post Master, Kostha Sub Post Office, At/PO-Kostha, Dist-Mayurbhanj
7. Smt. Manorama Chand, W/o. Sri Prasanta Kumar Dey, Vill/PO-Chadheigaon, Via: Kostha, Dist-Mayurbhanj

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Respondents

By the Advocates

Mr.A.K.Bose,
Sr.Standing Counsel
(Central)

ORDER

MR.M.R.MOHANTY, MEMBER(JUDICIAL): Being aggrieved by his non selection to the post of Extra Departmental Branch Post Master of Chakheigaon E.D.B.O. in account with Kostha Sub Post Office in Mayurbhanj Postal Division, the Applicant,

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in the present Original Application under Section 19 of the Administrative Tribunals Act, 1985, has approached this Tribunal with a prayer to direct the Respondents (Department) to select/appoint him to the said post; by quashing the appointment letter issued in favour of Respondent No.7, viz., Smt. Manorama Chand.

2. Respondents(Department) have filed their counter opposing the prayer of the Applicant.

3. Heard Shri B.B.N.Dwivedi, learned counsel for the Applicant and Shri A.K.Bose, learned Senior Standing Counsel appearing on behalf of the Respondents(Department) and perused the records.

4. The sole point advanced, during hearing, by the learned counsel for the Applicant in support of his contention that the selected candidate for the post in question (Res. No.7) does not know cycling, as stipulated in Para-3 of the notification dated 6.3.2000(Annexure-1) and therefore, her selection to the said post is bad. To this, Shri Bose the learned Senior Standing Counsel submitted that in so far as posts of Extra Departmental Delivery Agents/Mail Carriers are concerned, cycling is a must and in case of E.D.B.P.Ms, cycling is not mandatory as the EDBPM is not required to deliver letters and/or carry mails and, therefore, this criteria has only been mentioned for the purpose of consideration in the cases of necessity. Shri Bose also pointed out that Res. No.7, the selected candidate to the post of EDBPM has secured the higher percentage of marks than the present applicant. Besides, she has adequate means of livelihood. These facts

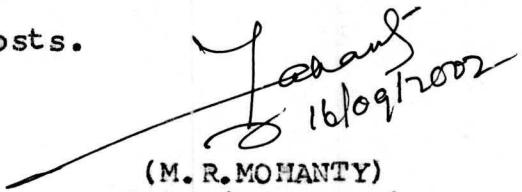
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are not disputed by the learned counsel for the applicant. Having given our anxious consideration to the arguments advanced at the Bar, we found that there has been no legal infirmity in selecting Respondent No.7 (Smt. Manorama Chand) to the post of E.D.B.P.M., Chadheigaon E.D.B.O. and we are satisfied that the contention of the learned counsel for the Applicant with regard to Res. No.7 having not known cycling as stipulated in the Advertisement is not a mandatory one. This Original Application, being devoid of any merit, is dismissed. No costs.



(B.N. SOM) 
VICE-CHAIRMAN



(M. R. MOHANTY)
MEMBER (JUDICIAL)

Bijy/