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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH

O.A. 571 OF 2000

CHRISTA DATTA NANDA  
S/o Devendra Nanda,  
Vill. P.O. Diptipur, P.S. McIachamunda,  
Dist. Bargarh.

VS

1. Union of India through the  
Secretary, Deptt. Of Posts.  
Dak Bhavan, New Delhi
2. Post Master General, Sambalpur Region,  
Dist. Sambalpur
3. Superintendent of Post Offices,  
Sambalpur Div. Sambalpur.
4. Anjan Hota, S/o Madhusudan Hota,  
Tal PO. Diptipur Dist. Bargarh.

For the applicant : Mr. A.K.Nanda, Counsel  
Mr. J. Nayak, Counsel

For the respondents : Mr. B.Dash, Counsel

Heard on : 4.2.04 : Order on : 4.2.04

**ORDER**

**Per Justice B.Panigrahi, VC**

In this case, the applicant has challenged the appointment of  
respondent No. 4 as EDBPM., Diptipur, in account with McIachamunda B.O..

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2. Pursuant to a requisition sent by respondent No. 3, local employment exchange sponsored six names including the applicant for the post of EDBPM, Diptipur. Accordingly a date was fixed for verification of records of the candidates when the applicant, the respondent No. 4 and others were present. On verification of record, a merit list was prepared in which the name of the respondent No. 4 was placed at sl. No. 1 on the basis of marks obtained in the qualifying examination. Thereafter, respondent No. 4 was offered appointment by respondent No. 3 on provisional basis. As per condition of the appointment, respondent No. 4 was asked to obtain residential accommodation in the village where the post office is located and the respondent No. 4 complied with the said condition whereafter he was given regular appointment. Ld. Counsel for the respondents submits that the said respondent No. 4 is functioning in the said post.

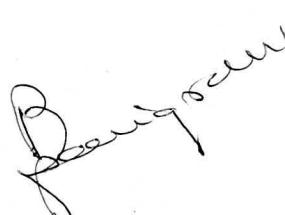
3. Although the applicant has alleged mala fide in the selection against respondent No. 3, but there is nothing on record to substantiate the allegation. By merely making allegation of mala fide, the applicant cannot get an order upsetting the appointment given to respondent No. 4.

4. On hearing the Ld. Counsel for the parties and on going through the materials on record, we do not find any merit in this case. The respondent No. 4 having secured more marks than the applicant, was selected and he is

functioning in the said post. In such circumstances, we are unable to interfere in the matter.

5. Accordingly, the OA is dismissed. No costs.

  
(B.N. SOM)  
VICE CHAIRMAN

  
(B.P. PANIGRAHI)  
VICE CHAIRMAN

jrc