

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

For Admision
(Copy of rejoinder not
received)

PS
20/8/01

Bench

07. 19. 07. 01

As per request made on behalf of
Learned Counsel for the petitioners
matter is adjourned to 21.08.01.

Vice-Chairman
Member (S).

08. 21-08-2001.

Heard Shri S.K.Das, learned counsel for
the applicant and Shri A.K.Bose, learned Senior
Standing Counsel for the Respondents and have
also perused the records.

In this Original application, the
applicant has prayed for quashing the appointment
of Respondent No. 4 to the post of EDBPM, Aruha
Branch post Office at Bhadrak and also for a
direction to the Departmental Authorities to
appoint the applicant to that post.

Respondents have filed counter opposing
the prayer of applicant and the applicant has
also filed rejoinder. Private Respondent No. 4
was issued with notice but he did not appear nor
file any counter.

For the purpose of considering this
Original Application, it is not necessary to go
into too many facts of this case. The admitted
fact of this case is that the applicant and
Respondent No. 4 were considered alongwith some
other persons for the post of EDBPM, Aruha Branch
post Office. According to the instruction of the
Director General of Posts, amongst the eligible

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Contd... Order dt. 21-8-2001.

candidates person who has secured highest mark in the HSC examination is to be considered most meritorious. In the instant case, both the applicant and Respondent No. 4 have got the same marks in the HSC examination i.e. 506 out of 750 marks. The other relevant factual aspect is that the Income of the selected candidate Respondent No. 4 is Rs.12,000/- out of which Rs.10,000/- is from Agri. and Rs.2,000/- is from tuition. So far as the applicant is concerned his income is Rs.8000/- out of which Rs.5000/- is from Agri. and Rs.3000/- is from the source which has not been specified in the Income Certificate. Respondents in their counter have stated that according to the instruction, income from Agri. has to be taken into account and as the income of Respondent No. 4 is more than the income of applicant from Agri; he has been selected. It is submitted by learned counsel for the Applicant that the Tribunal in an earlier OA No.235/1998 have held that the point for consideration is independent means of livelihood and the source of income is not of consideration. Even if it is taken into consideration that this would have been the total income and not the income from Agricultural land, even then the applicant's income is less than the income of Respondent No. 4. As in the instant case, both the candidates have got the same marks the Departmental Authorities have gone by the larger income of Respondent No. 4. In the absence of any other criteria, we do not think that adoption of this criterion is discriminatory or arbitrary. In view of the above, we hold that the applicant has not been able to make out a case for the relief claimed by him.

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Free copies of the order dt. 21.8.01
issued to counsel
for both sides.

21/8/01

S.C.D

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In the result, therefore, the Original Application
is held to be without any merit and the same is
rejected. No costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN