

CENTRAL ADMINISTRATIVE TRIBUNAL,

CUTTACK BENCH, CUTTACK.

O.A.NO. 92 OF 2000

Cuttack, this the 02<sup>nd</sup> day of August, 2002

B.Vinayak Rao .....

Applicant

Vrs.

S.D.I.(P) and others

....Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not? No

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

*M.R. Mohanty*  
(M.R. MOHANTY) 02/08/2002

MEMBER (JUDL.)

*S.K. Hajra*

(S.K. HAJRA)

MEMBER (AD'IN.)

V

CENTRAL ADMINISTRATIVE TRIBUNAL,

CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 92 OF 2000  
Cuttack, this the 02<sup>nd</sup> day of August, 2002

**CORAM:**

HON'BLE MR.S.K.HAJRA, MEMBER(ADMIN.)

AND  
HON'BLE MR.M.R.MOHANTY, MEMBER(JUDL.)

.....

B.Vinayak Rao, aged about 29 years, son of B.Balaji,Retd.  
Postal E.D.M.C., resident of Vill/PO-Budapatti,  
Via-Gopalpur,Dist.Ganjam..... Applicant

Advocates for applicant - M/s N.C.Pati  
S.Mishra  
A.K.Mohapatra  
N.Singh

Vrs.

1. Sub-Divisional Inspector (Postal), Berhampur, South Sub-Division, Berhampur, Ganjam.
2. Senior Superintendent of Post Offices, Berhampur Division, Berhampur, Ganjam.
3. Rajendra Mallik, son of Dandasi Mallik, At-Jadupur, P.O-Kolathia, Via-Chikiti, Dist.Ganjam.
4. Post Master General, Berhampur Zone, Berhampur, Dist.Ganjam.
5. Union of India, through its Secretary, Ministry of Communication, Department of Post, Dak Bhawan, New Delhi.

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....Respondents

Advocate for respondents - Mr.A.K.Bose  
Sr.C.G.S.C.

O R D E R

MR.S.K.HAJRA, MEMBER(ADMIN.)

Hon'ble High Court of Orissa, Cuttack,  
final rendered  
quashed the order dated 16.5.2001 of the Tribunal in  
the present Z O.A.No.92 of 2000 and directed to dispose it of on merits  
after giving an opportunity of hearing to all concerned.

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2. Learned counsel for the applicant contended that the applicant had worked as E.D.M.C., Badaputi B.O., for eleven months satisfactorily; that he was removed from service arbitrarily; that respondent no.3 was appointed, depriving the applicant of his legitimate claim, without following the instructions of the Department and violating the principles of natural justice, and that the notification for filling up the post was not sent to the local post office, i.e., Badaputi B.O.

3. <sup>of</sup> The applicant on these grounds, sought quashing of the appointment of respondent no.3 (Annexure A/3) and direction to the departmental authorities to appoint the applicant to the post.

4. The arguments advanced by Shri A.K.Bose, learned Senior Standing Counsel appearing for the departmental respondents, are as follows. The Employment Exchange had sponsored a list of forty candidates. Thirteen candidates applied for the post. The applicant failed to apply for the post. Out of 13 candidates, respondent no.3, belonging to S.T. for which the post was reserved, was appointed by respondent no.1; as he was found most suitable. The applicant could not be considered for selection as he did not apply for the post.

5. We heard both sides and perused the

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records. The post of E.D.M.C., Badaputi B.O., was reserved for the candidates belonging to S.T. Admittedly, the applicant did not apply for the post. The fact that he had worked for eleven months in the post does not mean that he had a legally enforceable right to the post, particularly when he did not apply for it. There is no material in the application to demonstrate that the selection of respondent no.3 (who belongs to ST) to the post, which was reserved for S.T. as per the advertisement for recruitment to the post (Annexure R/2), was irregular and unsustainable. That apart, the advertisement shows that a copy thereof was sent to local post office.

6. In view of the facts stated above, we see no reason for giving the relief as prayed for in the application.

7. As a result, the application is dismissed without imposing any costs.

*M. R. Mohanty*  
(M.R.MOHANTY) 02/08/2002

MEMBER (JUDL.)

*S. K. Hajra*  
(S.K.HAJRA)

MEMBER (ADMN.)