

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

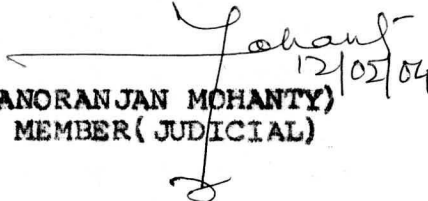
Original Application No. 128 of 2001
Cuttack, this the 12th day of February, 2004.

Karna Deep. Applicant.
-Versus-
Union of India & Ors. Respondents.

FOR INSTRUCTIONS

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


(B. N. SOM)
VICE-CHAIRMAN


12/02/04
(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 128 OF 2001
Cuttack, this the 12th day of February, 2004.

C O R A M:

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

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Shri Karna Deep, aged about 31 years,
Village/Post: Sargad, Loisingha,
Dist. Bolangir. Applicant.

By legal practitioners: Mr. D. P. Dhalsamant, Advocate.

: Vrs:

1. Union of India represented through
its Chief Postmaster General,
Orissa Circle, Bhubaneswar,
Dist. Khurda.
2. Superintendent of Post Offices,
Bolangir Division, Bolangir.
3. Postmaster General,
Sambalpur Region, Sambalpur.
4. Shri Basudev Mohananda,
At/Po: Salehata, Bolangir,
EDBPM, Sargad BO, in account with
Loisingha SO, Bolangir. Respondents.

By legal practitioners: Mr. B. K. Nayak, ASC.

O R D E R

MR. MANORANJAN MOHANTY, MEMBER (JUDICIAL):

Applicant, Karna Deep, having challenged the selection and appointment of Respondent No. 4 (to the post of Extra Departmental Branch Post Master of Sargad Branch Post Office under Loisingha Sub Post Office of Bolangir Revenue District of Orissa, has filed this Original Application under section 19 of the Administrative Tribunals Act, 1985 on the ground that even though he has secured highest marks in the

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matriculation examination, the Respondents (instead of selecting and appointing him to the post) have preferred the Respondent No. 4 to the post in question with oblique motive. He has also stated that, as per the rules, a candidate who has secured highest marks in the matriculation is to be selected and appointed, if he fulfills all the criteria stipulated in the rules/instructions. It has been stated that the Applicant has also fulfilled all the conditions required for being appointed to the post in question. Since, he was not selected; in this O.A. he has prayed for quashing the selection and appointment of the said respondent no. 4 and for a direction to the Respondents 1 to 3 to select and appoint the applicant to the post retrospectively with all consequential benefits.

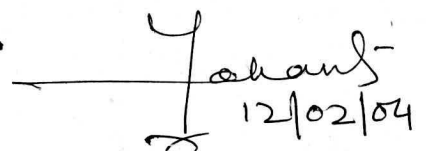
2. By filing counter, the Respondents have stated that even though the Applicant has secured the highest marks from among the candidates, within the zone of consideration as the Applicant has not passed his matriculation in the first attempt but passed in subsequent attempt (compartmentally as per the instructions of the Director General of Posts dated 08.03.1995 (Annexure-R/3), he was placed second position in the merit list. Respondents have also annexed the check list showing different marks obtained by different candidates. We have also perused the same.

3. After having heard learned counsel for both sides we have specifically looked into the letter issued under Annexure-R/3 dated 08.03.1995 and the check-list submitted by the Respondents. We see no irregularity/illegality in the matter of selection on the face of the instructions

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issued by the Director General of Posts. In this view of the matter, we find no merit in this O.A.; which is accordingly rejected. No costs.


(B. N. SOM)
VICE-CHAIRMAN


12/02/04
(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)