

7

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 248 of 2001
CUTTACK THIS THE 21ST DAY OF SEPT, 2001.

Maheswar Pradhan Applicant

-Versus -

Union of India & others Respondent(s)

For Instructions

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

A. —
(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Son.
SOMNATH SON
VICE-CHAIRMAN
21.9.2001

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 248 of 2001
CUTTACK THIS THE DYA OF, SEPT, 2001

CORAM:

THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
THE HON'BLE SHRI G. NARASIMHAM, MEMBER (J)

.....

1. Maheswar Pradhan,
E.D.D.A.
Sisua B.O.
Astaranga,
Dist-Puri

.....Applicant.

By the Advocate (s)

Shri D.P. Dhalsamant

-VERSUS-

1. Union of India represented through
Chief Post Master General,
Orissa Circule, Bhubaneswar
Dist-Khurda.
2. Senior Supdt. of Post Offices,
Bhubaneswar Division,
Bhubaneswar,
Dist-Khurda.
3. Sub-Divisional Inspector (Postal)
Nimapara Sub-Division,
Nimapara, Dist-Puri.

..... Respondent (s)

By the Advocate (s)

Mr. A.K. Bose

S. J. Mr.

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SOMNATH SOM, VICE-CHAIRMAN: Heard Shri D.P. Dhalsamant, Learned Counsel for the Petitioner and Shri A.K. Bose, Learned Senior Standing Counsel for the Respondents and perused the records. In this Original Application the petitioner has prayed for a direction to Senior Supdt. of Post Office, Bhubaneswar Division (Respondent No-2) to appoint him to the post of EDBPM, Sisua w.e.f. 11.3.1997. Respondents have filed counter opposing the prayer of the applicant, and the applicant has filed rejoinder. For the present purpose it is not necessary to go into too many facts of this case.

2. The admitted position is that originally the applicant was appointed as EDBPM, Udayapur, Branch Office on 24.11.1977 in a removal vacancy, after undergoing due process of selection. On reinstatement of the original incumbent Shri Bansidhar Acharya in 1987 the applicant had to hand over charge to Shri Acharya. Thus the applicant had worked as EDBPM, Udayapur, for more than 10 years. Taking that into consideration the applicant was appointed as EDDA, Sisua, Branch Office in June 1989 and has been working as such till date. The incumbent EDBPM, Sisua Branch Office, superannuated on 11.3.97 and on the direction of the departmental authorities the applicant took over charge of the post of EDBPM, Sisua Branch Office over and above the charge of his basic post of EDDA, Sisua Branch Office. The departmental authorities initiated the process of selection for filling up the post of EDBPM, Sisua Branch Office and the petitioner applied for the post. Departmental Respondents have pointed out that along with his application the petitioner did not submit the HSC Certificate, HSC marksheet and solvency certificate. Departmental Respondents

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have stated and this is also admitted by the petitioner that on the date of application the petitioner had not passed HSC. The applicant in his Rejoinder has stated that in the meantime he has passed Madhyama, from Shri Jagannath Sanskrit Vishvavidyalaya, Shri Vihar, Puri. He has also enclosed the marksheet. It is submitted by the Learned Counsel for the petitioner that Madhyama Examination is equivalent to HSC Examination. In view of this it is submitted by Shri D.P. Dhalsamant, learned counsel for the petitioner that as the candidature of the applicant has been ~~rejected~~ ^{rejected} only on the ground that he is not having HSC qualification and as the applicant in the meantime has acquired HSC qualification his case should be considered. It is submitted by the Learned Senior Standing Counsel that process of selection to fill up the post was initiated in 1997 and the applicant by his own admission has acquired the HSC qualification only in April, 2000.

3. We have considered the rival submissions carefully. Admittedly the petitioner had worked for more than 10 years as EDBPM, Udayapur from 1977 to 1987 when he had the minimum qualification than required for the post of EDBPM which is class VIII pass. At present the minimum qualification for the post of EDBPM is HSC pass and the post has to be filled up in accordance with the Recruitment Rules now existing. Applicant also has not sought for relaxation of educational qualification, but has prayed that his qualification later acquired by him should be taken into consideration. In view of the fact that the applicant had worked as EDBPM for 10 years and in view of the fact that the selection for the post is not yet over, the case of the applicant deserves to be considered. This is because there are departmental instructions that if a post of EDBPM falls vacant and one of

the existing EDDAs in the same office applies for the post, than he should be so appointed in case he fulfills all the eligibility criteria. There is no material before us if Madhyama Exam. of Shri Jagannath Sanskrit Vishvavidyalaya, Puri is equivalent to HSC Examination. Departmental authorities may make appropriate enquiry in this matter if Madhyama Examination is equivalent to HSC examination and in case it is found that the Madhyam Exam. is equivalent to HSC Examination, then the applicant's candidature should be considered for the post of EDBPM, Sisua Branch Office as a fresh candidate subject to his fulfilling the other condition. Respondents have stated that applicant has not submitted his solvency certificate. The Learned Counsel for the petitioner has mentioned in the Rejoinder that all necessary documentation has been done by him. It is not necessary for us to take a view in this matter because this can be easily verified by the departmental authorities while considering the candidature of the applicant interms of our direction above. In view of this, we also direct that our direction to consider the applicant's candidature is subject to the condition that the applicant is eligible for the post otherwise.

4. With the above direction the original application is disposed of. No costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Sam
(SOMNATH SAM)
VICE-CHAIRMAN