

8

CENTRAL ADMINISTRATATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.591/2001

Cuttack, this the 22nd day of July, 2004

Nirmal Kumar Nayak Applicant(s)
Vrs.
Union of India & Others Respondent(s)

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? *ND*

M
22/07/04
(M.R. MOILANTY)
MEMBER (JUDICIAL)

B.N. SOM
(B.N. SOM)
VICE-CHAIRMAN

9

CENTRAL ADMINISTRATATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.591/2001

Cuttack, this the day of July, 2004

CORAM:

HON'BLE SHRI B.N. SOM, VICE-CHAIRMAN

&

HON'BLE SHRI M.R. MOHANTY, MEMBER (J)

Sri Nirmal Kumar Nayak aged about 25 years, S/o Sri Dinabandhu Nayak, Resident of Village- Ambikapur, P.O. Nimpal, P.S. Nilgiri, Dist-Balasore.

..... Applicant(s)

By the Advocate(s)

Mr.R.K. Bose.

-Vs-

1. Union of India, represented through Secretary to Govt. of India, Department of Post, New Delhi.
2. Superintendent of Post Offices, Balasore Division At/Po/Dist-Balasore.
3. Sri Chandrakanta Pradhan aged about 24 years, S/o Sri Jatindra Pradhan, resident of Durgapur, P.O. Nimpal, dist-Balasore.

..... Respondent(s)

By the advocate(s)

Mr.S.B. Jena.

ORDER

SHRI B.N. SOM, VICE-CHAIRMAN: Sri Nirmal Kumar Nayak has filed this O.A. against the inaction of the Respondent in not appointing him as Extra Departmental Branch Postmaster (in short EDBPM) for Nimpal Branch Post Office.

✓

10

2. His grievance is that he fulfills all the requirements/conditions and/or qualifications for the post but his case was not considered by Respondent No.2 who appointed Respondent No.3 although the name of the latter found place below the applicant in the merit list.

3. The Respondents have disputed the application by filing a detailed counter. They have stated that they had advertised the post on 12.10.99 with the last date for receipt of the application fixed on 02.11.99. But on account of super cyclone and flood which interrupted life from 28.10.99 to 04.11.99 in that part of the State, the last date of receipt of applications was extended to 12.11.99. Simultaneously, the District Employment Officer, Balasore was also addressed on 12.10.99 to sponsor the names of candidates. In response to open notification 18 candidates applied for the post and six candidates were sponsored by the Employment Exchange. Thus, there were 24 candidates for the post. Applications received from all the 24 candidates were taken into consideration. Out of all the candidates considered for the post, one Shri Chandrakanta Pradhan, Respondent No.3 had secured highest percentage of marks (72.4%) whereas the applicant had secured second highest marks (68.8%). The selected candidate had fulfilled all the conditions prescribed in the Recruitment Rules for selection.

✓

4. The applicant had contended in his application that he was advised by the then Respondent No.2 whom he met at his Balasore Office to construct a house for the purpose of Post Office and if he could do that he would be selected for the post. Accordingly, the applicant had started construction and by his letter dated 25.05.2000 he informed Respondent No.2 that he would be able to provide suitable accommodation for the post office in his own house. This letter he had sent by registered post followed by a reminder on 06.11.2000. While he was waiting for response, Respondent No.2 gave appointment to Respondent No.3 on 01.09.2001 to the post. Without going into the merit of the allegation brought out by the applicant it is to be noted that the selection for the post of ED agent being merit based and being dependent on the candidate fulfilling all the eligibility conditions set out in this regard, it would be purposeless to say that Respondent No.2 had assured the applicant that should he construct a house to run the post office he would be selected for the post. Both in the vacancy notification (Annexure-A) as also in the Recruitment Rules it has been clearly laid down that a candidate can only be selected if he is found to be the most meritorious. In this case as Respondent No.3 has been found most meritorious in all respect, it is not necessary for us to go into the truth of the allegation made in the O.A. We would therefore hold that the selection of Respondent No.3 has been done strictly on merit and the

Respondents did not find him in-eligible nor the applicant has placed before us any material which could have proved that the Respondent No.3 was not the most meritorious eligible candidate. We see no merit in this O.A. which is accordingly disposed of. No costs.

Mohanty
22/02/84

(M.R. MOHANTY)
MEMBER (JUDICIAL)

Som
(B.N. SOM)
VICE-CHAIRMAN

CAT/CTC
Kalpeshwar