

7
CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH
O.A. No. 88 of 2001

Present : Hon'ble Mr. B. N. Sasm, Vice-Chairman
Hon'ble Mr. Justice B. Panigrahi, Vice-Chairman

Krishna Chandra Bibhar,
S/o Dharnaikhar Bibhar
R/o Vill. P.O. Taliudar
via Chandanbhati, Belangir

Vs

1. Union of India through the Chief Postmaster General, Orissa Circle, Bhubaneswar
2. Director of Postal Services, Sambalpur Region, Sambalpur
3. Superintendent of Post Offices, Belangir Division, Belangir.

.... Respondents

For the applicant : Mr. D.P. Dhalsamant, Counsel

For the respondents : Mr. J.K. Nayak, Counsel

Heard on : 6.2.04 : Order on : 6.2.04

O R D E R

Justice B. Panigrahi, VC :

Heard Mr. Dhalsamant, 1d. counsel appearing for the applicant and Mr. Nayak, 1d. counsel for the respondents.

2. Admittedly, the applicant has been working as EDDA-cum-EDMC of Tuliudar BO after being selected to the said post with effect from 18.8.89. After serving for some time, he appeared in the recruitment test for appointment to the cadre of Postman/Mailman as a scheduled caste candidate. He qualified in the said test. Since there was no vacancy within the division for which the test was

held, option was called for from successful candidates for being posted outside the division/circle where vacancies might be available. Accordingly, the applicant gave his option. It is his grievance that even though he exercised such option, he was not appointed whereas the respondent authorities appointed two ST candidates ignoring his claim. Being aggrieved he has filed this application for a direction to the respondents to give him appointment to the post of Postman/Mailman on the basis of his success in the examination held on 9.7.95 and his option.

3. The respondents have filed a written reply whereby it has been stated that since there was no vacancy available for SC community, therefore, the applicant could not be accommodated. It has been further stated that the life of the panel has already expired and as such the applicant cannot be considered against subsequent vacancies. Mr. Nayak, 1d. counsel for the respondents has submitted that even before filing this application, there was a fresh selection test for subsequent vacancies but the applicant did not appear in the same.

4. In view of this position we are unable to issue any direction to the respondents to give appointment to the applicant. Accordingly, the application is dismissed. However, if the applicant is found eligible to appear in future selection test, it will be open for the applicant to compete with other candidates and if he is found successful, the respondents shall consider his case in accordance with law.

5. With the above observation the application is dismissed.
No costs.



(B.N. SASMAL)
VICE CHAIRMAN



(B. PANIGRAHI)
VICE CHAIRMAN