

10

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH:CUTTACK**

ORIGINAL APPLICATION NO.161/2002

Cuttack this the 22nd day of June, 2006

CORAM:

**THE HON'BLE MR.JUSTICE B.PANIGRAHI, THE CHAIRMAN
AND
THE HON'BLE MR.B.B.MISHRA, MEMBER(ADMINISTRATIVE)**

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Bijaya Kumar Kar, aged about 40 years, S/o.Kishore Chandra Kar, At/PO-Mandeilo, PS-Parjang, District-Dhenkanal

...Applicant

By the Advocates M/s.R.C.Behera
N.K.Sahoo

-VERSUS-

1. Union of India represented through Chief Post Master General, Orissa, At/PO-Bhubanesar, Dist-Khurda
2. Superintendent of Post Offices, Dhenkanal Division, At/PO/DistDhenkanal
3. Sub-Divisional Inspector (Postal), Kamakhyanagar, At/PO/PS-Kamakhyanagar, Dist-Dhenkanal
4. Sri Sarat Chandra Dehury, S/o.Dwary Dehury, of Nuapala, Kateni, PO-Mundaiilo, PS-Parjang, Dist-Dhenkanal

...Respondents

By the Advocates Mr. B.Dash, A.S.C.
Mr.T.Rath (Res.No.4)

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O R D E R
(Oral)

MR.JUSTICE B.PANIGRAHI, THE CHAIRMAN:

1. Pursuant to a notification dated 6.11.2001 for filling up the post of Gramin Dak Sevak Branch Post Master (in short G.D.S.B.P.M.) Mundailo B.O. the applicant has claimed to have applied for consideration of his candidature for the aforesaid post on the ground that he is a physically handicapped candidate. The

Respondents held bio-data verification, but did not select the applicant. Instead they selected one Shri S.C.Dehury (Respondent No.4). Therefore, being aggrieved by the said selection and affected by the order of the Respondents, he has filed this case. The learned counsel appearing for the applicant has submitted that being a handicapped person for whom 3% of the total Gramin Dak Sevak posts are earmarked at the rate of 1% each to three different categories, i.e., blind, deaf and orthopaedically handicapped the Respondents did not take into consideration this aspect of the matter rather selected a candidate belonging to S.T. community (Res. No.4). It has been contended that in the entire district no physically handicapped person has ever been selected through such selection and therefore, such selection having suffered from the vice of arbitrariness, the consequential appointment of Respondent No.4 is liable to be quashed.

2. Shri B.Das, the learned Addl. Standing Counsel appearing for the Respondents has submitted that the post was meant for S.T. community. In the absence of any candidate from the S.T. community, the selection can take place from among the SC/OBC etc. Shri Dash further submitted that Clause-III read with Clause II of the said advertisement speaks of handicapped persons belonging to ST, SC and OBC but not the candidate belonging to

general category. The applicant being a candidate from the general category, even if he is a handicapped person, his case could not have been considered. We find substantial force in the aforesaid submission.

3. Another contention has been raised by the learned counsel for the applicant Mr. Sahoo that there has been perpetration of fraud in the manner of selection of GDSBPM. He has not stated the species of fraud or as to how such fraud was perpetrated. But during argument, he has highlighted that since the comparative merits of the other ST candidates have not been taken note of, and therefore, prejudices have been caused to the candidates who had applied for the aforesaid post. We could have appreciated such contention had any other candidate belonging to ST community challenged the process of selection of Respondent No.4. But in the instant case the applicant who belongs to a candidate of general category has challenged the process of selection. Therefore, we are of the earnest view that he does not possess any locus standi to challenge the manner of selection of Respondent No.4.

In the result, we do not find any merit in this O.A. which is accordingly dismissed. No costs.

BBM
(B.B. MISHRA)
 MEMBER(ADMN.)

B.P.
(B. PANIGRAHI)
 CHAIRMAN