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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.


Original Application No.217 of 2005  
Cuttack, this the ~~29<sup>th</sup>~~ day of May, 2008

Kum.Snigdharani Mohanty ..... Applicant  
-Versus-  
Union of India & Ors. .... Respondents.

FOR INSTRUCTIONS

1. WHETHER it be sent to reporters or not?
2. WHETHER it be circulated to all the Benches of the Tribunal or not?

  
(JUSTICE K. THANKAPPAN)  
MEMBER (JUDICIAL)

  
(C.R.MOHAPATRA)  
MEMBER(JUDL.)

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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

Original Application No. 217 of 2005  
Cuttack, this the ~~24th~~ day of May, 2008

C O R A M:-

THE HON'BLE MR. JUSTICE K.THANKAPPAN, MEMBER(J)  
A N D  
THE HON'BLE MR. C.R.MOHAPATRA, MEMBER(ADMN.)

Kumari Snigdharani Mohanty, aged about 25 years, D/o.Shri Braja Kishore Mohanty, resident of Village-Kantapara, PS-Tirtol, Dist. Jagatsinghpur at present residing in Plot No. 3, Sriram Nagar, Old Town, Bhubaneswar-2, Dist. Khurda.

... Applicant

By legal practitioner - M/s. K.C.Kanungo, Miss.  
C.Padhi, Counsel

-V e r s u s-

Union of India represented through:

1. The Secretary-Cum-Director General, Department of Posts, Dak Bhawna, Sansad Marg, New Delhi-110 001.
2. The Chief Postmaster General, Orissa Circle, Bhubaneswar -751 001, Dist. Khurda.

.... Respondents

By Legal practitioner - Mr. S.B.Jena, ASC

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O R D E R

MR. C.R.MOHAPATRA, MEMBER (A):

The applicant, in this Original Application filed under section 19 of the Administrative Tribunals Act, 1985 challenges the action of the Respondents in eliminating her from the process of selection undertaken pursuant to the advertisement issued in the local News paper dated



30.03.2005 inviting applications for filling up of posts of Postal Assistant by way of direct recruitment. According to the Respondents applications were called for unit wise and short-listing of candidates was prepared based on the vacancy position of the unit concerned. Since there is no bar for any candidate to apply for more than one recruiting unit, it is obvious that consolidated short listing of candidates will not tally with ten times of total vacancies of the circle. However, short-listing of candidates to the extent of 10 times of the number of vacancies was maintained and accordingly, as the candidature of applicant does not come within the yard-stick of short listing, her candidature could not be taken into consideration.

2. Heard Mr. K.C.Kanungo, Learned Counsel for the Applicant and Mr. S.B.Jena, Learned Additional Standing Counsel appearing for the Respondents and perused the documents placed on record.

3. In support of the plea of the applicant that there was gross injustice caused in the decision making process of following Rules in proper perspective, manner of inviting applications, holding the selection, and short listing the candidates Learned Counsel for the Applicant drew our attention to the consolidated list prepared by the Respondents under Annexure-A/8 and stated that by showing 40% of 10+2 marks, the Respondents have short



listed in three divisions only 113 candidates instead of 140 candidates against 14 vacancies. According to him, this had taken place because some candidates have commonly been short listed in all the three divisions and candidates lowest in merit amongst 113 candidates' secured 25.73% marks against the 40% of 10+2 marks secured by Applicant. As per Part-C (vacancy position) vide Annexure A/6 there are 47 unreserved vacancies in 18 postal divisions against which 470 candidates are required to be short listed. Had the short listing been made on centralized basis at circle level, 470<sup>th</sup> candidate would have been the lowest in merit and her 40% of 10+2 marks would be much lower than 25.73, i.e. 40% of 10+2 marks of the 113<sup>th</sup> candidates. Applicant having secured 20.84 as her 40% of 10+2 marks would therefore have been considered and if her case had been considered she would have fared well in the Aptitude, Computer and Type tests with 60 more marks to cover up the difference of about 13 marks between her and the top most candidate in the merit list at Annexure-A/8 so far as 40% of their 10+2 marks taken into consideration for short listing are concerned and she would have been selected but as she was eliminated from the initial stage of short listing only for the defective revised recruitment rules, 2004 vide Annexure-A/1 and for not making the recruitment of GDS employees against LGO



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vacancies prior to direct recruitment and not adding the LGO vacancies still remaining unfilled up after recruitment of GDS employees to the vacancies under direct recruitment quota, the applicant was deprived of opportunity to compete along with others. For the above reasons, Learned Counsel for the Applicant has insisted for allowing the prayers made in this O.A. On the other hand, Learned ASC relying on the counter filed by the Respondents strongly opposed the prayers of the Applicant by stating that there was no deviation of any of the Rules. However, he has submitted that since the selection was conducted by applying the rules universally, the applicant has hardly any grievance and, therefore, this OA is liable to be dismissed.

4. This matter came up for consideration on the question of admission and grant of ad-interim relief on 31.05.2005, when this Tribunal while issuing notices calling upon the other side to put up their case, as an ad interim measure, direction was given to the Respondents to allow the applicant to take part in the tests with specification that result of the said test so far as applicant is concerned should be kept in a sealed cover.

5. Now at the time of hearing, it has fairly been submitted by Learned Counsel for the Applicant that at this stage he does not insist rest of his prayer except to direct the Respondents to open the sealed cover, declare




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the result of applicant and further act upon the same in accordance with Rules. We find that this prayer of the Applicant is genuine as more wider the zone of consideration best candidate can be inducted to public service. In view of the above, we think end of justice would be met if such a direction is given to the Respondents. Accordingly, on considering the submissions made by parties, we direct the Respondents to declare the result of the Applicant which has been kept in a sealed cover pursuant to the orders of this Tribunal dated 31.05.2005 and based on her merit position, take further course of action as has been taken in regard to other selected candidates. All exercises shall be completed within a period of 45 days from the date of receipt of copy of this order.

6. In the result, this OA stands allowed to the extent stated above.

There shall be no order as to costs.

  
(JUSTICE K.THANKAPPAN)  
MEMBER(JUDICIAL)

  
(C.R.MOHAPATRA)  
MEMBER(ADMN.)