

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH
CUTTACK

O.A. 580/2002

Date of order: 13.04.2004

Present : Hon'ble Mr. Justice B. Panigrahi, Vice-Chairman.
Hon'ble Mr. S.K. Naik, Administrative Member.

Tanusree Das

-V e r s u s -

Union of India and Ors.

For the applicant : Mr. D.P. Dhalsamant, counsel.
For the respondents : Mr. B. Dash, counsel.

O R D E R

Per Justice B. Panigrahi, VC

The applicant as well as Pvt. respondent No.3 and others have submitted applications for the post of Gramin Dak Sevak Branch Post Master (G.D.S.B.P.M.) of Dhangidisole Branch Office in Kumbhar Munda Kota Sub Office. From the check list prepared by the respondents, it is found the applicant has secured the highest marks in High School Certificate Examination whereas the Pvt. respondent No.3 has secured comparatively lesser marks than that of the applicant. But since the applicant did not submit the income certificate from his own landed ^{ties and} proper ^{father} he submitted income from other source, the Pvt. respondent was given offer of appointment rejecting the claim of the applicant.

Being aggrieved by such order the applicant has filed this case.

2. The aforesaid question appeared before different Benches of the Administrative Tribunals including the Principal Bench in which a judicial direction was issued to the respondents that income certificate

can be filed at the time of appointment and not before. On the basis of such direction a circular has been issued by the respondents on 17.9.2003.

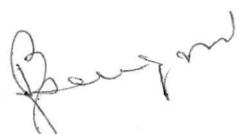
3. From para 3.2 of the circular dated 17.9.2003 (vide Nov. 2003 issue of Swamys News, Sl. No. 181), it is now crystal clear that at the time of appointment only, the income certificate of the particular appointee should be considered/obtained but not before. By the said circular, the condition of income derived from landed property was also deleted.

4. In this case, the applicant's claim was rejected on account of his failure to furnish income certificate from the landed property before the authority. Accordingly such action of the respondents does not stand to judicial scrutiny, therefore, it is quashed. Consequently the appointment of Pvt. respondent No.3 was also quashed as he secured lesser marks than that of the applicant.

5. In the result the application succeeds. The respondents are hereby directed to take appropriate action in the matter in the light of the guidelines as stated above within three months from the date of communication of this order.



Member (A)



Vice-Chairman