

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O.A.No.661 OF 2002

Cuttack, this the 2nd day of March, 2005

Balaram Das.

.....

Applicant.

-Versus-

Union of India & Ors.

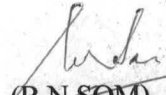
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Respondents

FOR INSTRUCTIONS.

1. WETHER it be referred to the reporters or not? No.

2. WHETHER it be circulated to all the Benches of the Central
Administratove Tribunal. Yes.


(B.N.SOM)
Vice-Chairman


(M.R.MOHANTY)
Judicial Member

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.661 of 2002
Cuttack, this the 2nd day of March, 2005.

C O R A M

THE HONOURABLE MR. B.N. SOM, VICHAIR MAN
AND
THE HONOURABLE MR.M.R.MOHANTY, JUDICIAL MEMBER

BALARAM DAS,
S/o.Padmaloachan Das,
AT/PO: Ambagadia,
Via- Baisinga,
Dist. Mayurbhanj.

..... Applicant.

By legal practitioner. ... M/s. T.Rath
S.K.Biswas,
Advocate.

Vrs.

1. Union of India, represented through Chief PostMaster General, Orissa Circle, Bhubaneswar, Khurda.
2. Superintendent of Post Offices, Mayurbhanj Division, Baripada, At/Po-Baripada, Dist- Mayurbhanj.
3. Jayasmita Das,
D/o. Purna Ch. Das,
At/Po- Ambagadia, Via- Baisinga,
Dist-Mayurbhanj.

By legal practitioner - M/s. K.K.Rath, S.N.Sahu, M.Mohanty,
B.Gantha, Advocates, for Res.No.3.

Mr.U.B.Mohapatra, S.S.C(Central).

O R D E R

MR.MANORANJAN MOHANTY, JUDICIAL MEMBER:-

Applicant (Balaram Das, a permanent resident of Village/Post- Ambagadia in the District of Mayurbhanj of the State of Orissa) being aggrieved by the selection and adhoc appointment of the Respondent No.3 (Jayasmita Das,) as the Extra Departmental Branch Post Master/Gramin Daka Sevaka Branch Post Master (of Ambagadia Branch Post Office in account with Baisinga Sub Post Office; which was fallen vacant due to superannuation of the regular incumbent) by the order No0. A-490/PS, dated 17-7-2002 has filed this Original Application under section 19 of the Administrative Tribunals, Act, 1985; on the ground that the income certificate (that was produced by the said Respondent No.3 along with her application) was not a valid one in view of the order passed by the Additional District Magistrate, of Mayurbhanj, District and that of the Tahasildar of Betanati (dated 25.09.2000 and 29.09.2000) and that, therefore, her candidature ought not to have received consideration, nor she was available for being selected and appointed.

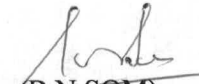
2. Respondents, by placing a counter on record disclosed that, on the face of the cancellation of the Income Certificate of the Respondent No.3, her case ought not to have received consideration for the post in question, as before finality of the matter, the order of Hon'ble High Court of Orissa dated 23.10.2000 (rendered in O.J.C. No.10122/2000) was received, wherein it was directed to consider the candidature of the Respondent No.3 for the post in question, along with others, and that no final orders were to be passed without leave of the Hon'ble High Court, her candidature was considered. It has also been stated by the Respondents, in their counter, that as the Respondent No.3 secured highest marks in the H.S.C. examination (which is the basic criteria for selection to the post of EDBPM/GDSBPM) and in view of the necessity to fill up the post, the Respondent No.3 was allowed to work in the post on temporary/ad hoc basis.

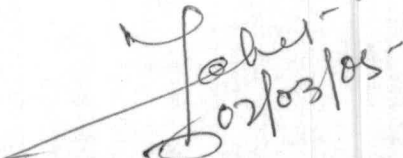
3. Heard learned counsel for both sides and perused the materials placed on record. After having heard learned counsel for both sides and on perusal of records, it is evident that the case of Respondent No.3 received due consideration in view of the directions issued by the Hon'ble High Court and on perusal of records, it is also seen that the Respondent No.3 has secured 64.26% marks and Applicant has secured 62.35% marks in the H.S.C.

examination, which is admittedly the basic criteria for selection to the post in question. It is also submitted by the learned counsel appearing for the Respondents that such appointment and continuance of the Applicant in the post subject to the out come of the Writ Petition stated to be pending in the Hon'ble High Court of Orissa.

4.. Since the only plank of challenge of the engagement of the Respondent No.3 is the Income Certificate; which is now under consideration of the Hon'ble High Court of Orissa, the Applicant may, if so advised, work out his grievance by making himself a party to the said lis and since the working of the post office is the paramount consideration in the public interest, we are not inclined to interfere in the said selection and appointment which is ad hoc arrangement made in favour of the ~~Respondent.~~ Hence this case is disposed of.

5. With the above observations, this Original Application is disposed of. No costs.


(B.N.SOM)
VICE-CHAIRMAN


(M.R.MOHANTY)
JUDICIAL MEMBER