

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH  
CUTTACK

O.A. 810/2002

Date of order: 26.05.2004

Present : Hon'ble Mr. Justice B. Panigrahi, Vice-Chairman.  
Hon'ble Mr. H.P. Das, Administrative Member.

Provasini Das

-versus-

Union of India and Ors.

For the applicants : None.

For the respondents : Mr. J.K. Nayak, counsel.  
Mr. D.P. Dhalasamant, counsel.

O R D E R

Per Justice B. Panigrahi, VC

None has appeared on behalf of the applicant on call. Mr. J.K. Nayak, 1d. counsel appearing for the official respondents and Mr. D.P. Dhalasamant, 1d. counsel appearing for the Pvt. respondent are, however, present. After hearing them and on going through the records, we are of the opinion that the matter can be disposed of even in the absence of the applicant. Accordingly, we proceed to do so.

2. Pursuant to an advertisement to the post of EDPM of village Batugram Branch Post Office, the applicant as well as others had applied directly to the respondent No.1. Originally the post was earmarked for ST candidate. But since no ST candidate was available, therefore, the authorities considered the case of SC category candidates as per the terms of the advertisement. The Pvt. respondent seems to have secured maximum percentage of marks in HSC examination,

therefore, he was selected. The only grievance of the applicant is that since the private respondent did not belong to the post village where the Branch Post Office is situated nor did he possess maximum income for being considered for the aforesaid post, therefore, his selection and appointment is illegal and de hors the rules.

3. From the reply it is seen that the private respondent has agreed to take residence in the post village after selection and he has also offered the space for location of the post office which according to the respondents is suitable. The pvt. respondent has also joined the aforesaid post. As per latest Govt. circulars/instructions, the income certificate as well as residential certificate can be obtained at the time of final appointment. Since the authorities have already been satisfied with regard to those conditions, it cannot, therefore, be said that the appointment of private respondent is illegal or irregular. The applicant as well as the Pvt. respondent belong to SC category of whom the Pvt. respondent was found to be more suitable candidate on the basis of marks.

4. In the result we find that there is no merit in this application. Accordingly, it is dismissed. No costs.

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Member (A)

*Bawaliwala*  
Vice-Chairman.