

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK

ORIGINAL APPLICATION NO. 69 OF 2002
Cuttack this the 28th day of November/02

Balram Singh

...

Applicant(s)

-VERSUS-

Union of India & Others ...

Respondent(s)

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not ? *Yes*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? *no*

M.R. Mohanty
(M.R. MOHANTY)
MEMBER (JUDICIAL)

B.N. Som
(B.N. SOM)
VICE-CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 69 OF 2002
Cuttack this the 28th day of November/02

CORAM:

THE HON'BLE SHRI B.N. SOM, VICE-CHAIRMAN
AND
THE HON'BLE SHRI M.R. MOHANTY, MEMBER (JUDICIAL)
...

Shri Balaram Singh, aged about 20 years
At/PO-Kabatchati, Via-Hatigarh, Balasore

...

Applicant

By the Advocates

M/s. B.K. Mohanty
R. Mohanty,
P.K. Bhuyan
S.K. Pattnaik
Sk. Q. Ahmed

-VERSUS-

1. Union of India represented through its
Chief Postmaster General, Orissa Circle,
Bhubaneswar, Dist-Khorda
2. Superintendent of Post Offices,
Balasore Division, Balasore
3. Sub-Divisional Inspector (Posts)
Jaleswar West Division, Jaleswar,
Balasore
4. Shri Muralidhar Behera,
S/o. Bharat Behera,
Indian Guest House, Nilagiri,
Balasore

...

Respondents

By the Advocates

Mr. J.K. Nayak, A.S.C.
(Res. 1 to 3)
Mr. P.K. Khuntia
(Res. No. 4)

O R D E R

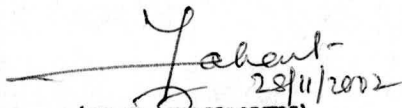
MR. B.N. SOM, VICE-CHAIRMAN : This application filed
by Shri Balaram Singh, assailing the appointment of
Shri Muralidhar Behera (Res. No. 4) on the ground that
although he had secured the highest marks in the M.S.C.

Examination among the candidates considered for appointment to the Post of Gramin Dak Sevak Branch Post Master, Badasimulia in account with Baliapal S.O. under Balasore Postal Division; Respondent No.2 ^{was} ~~had~~ selected Respondent No.4 for the post.

2. It is an undisputed fact that Respondent No.2 had issued a circular notifying his intention to fill up the post of Gramin Dak Sevak Branch Post Master, Badasimulia vide his Notification dated 28.12.2001 (Annexure-1) and the said post was reserved for the Scheduled Tribe community. In response to his public notice as also notification to the Employment Exchange, 59 applications were received for consideration by Respondent No.2, including the applicant. Respondent No.2, after examining the comparative merit of those candidates, selected Respondent No.4 (Shri Muralidhar Behera) for the post of G.D.S.B.P.M. on the ground that he fulfilled all the eligibility criteria, i.e., education, income in his own name derived from landed property, willness to provide accommodation for functioning of the Post Office and also willingness to stay in the post-village. On the other hand, the applicant did not satisfy one of the eligibility criteria, i.e., income in his own name, as per the recruitment rules for the post, also noted in the notice at Annexure-1. It has not been disputed by Respondent No.2 that the applicant had secured higher marks than Respondent No.4, but as he was not possessing the basic eligibility of independent source of income, he could not be considered for selection to the post, *The Respondent avers.*

3. We have heard Shri B.K.Mohanty, learned counsel for the applicant, Shri J.K.Nayak, learned Addl.Standing Counsel for the Department and Shri P.K.Khuntia, learned counsel appearing for Res. No.4 in the matter. We have also perused the original recruitment file where the Department ^{has} ~~have~~ scrutinised the qualifications of each candidate and ^{has} ~~have~~ assessed the comparative merit of the candidates for selection to the post and we are satisfied that Respondent No.4 (Shri Muralidhar Behera) having all the eligible qualifications and having secured the highest merit among the candidates was selected for the post.

4. In view of the above facts and circumstances of the matter, this Original Application fails. We, however, pass no order with regard to costs.


(M.R. MOHANTY)
MEMBER (JUDICIAL)


(B.N. SOM)
VICE-CHAIRMAN

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