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O.A. No. 129 of 2007

Durga Prasad Bhainsa.....Applicant

Vs

Union of India & Ors.Respondents

Order dated: 20.04.2010

CORAM:

Hon'ble Mr. B.V.Rao, Member(Judl.)

Hon'ble Mr. C.R.Mohapatra, Member (Admn.)

Applicant while working as E.D. Mailman
(redesignated as GDS Mailman) in the office of the Head
Record Officer, R.M.S., K-Division, Jharsuguda, in response
of notification issued vide memo dated 07.07.2006 for
holding departmental examination for promotion to Group-
D/Mailman and GDS to Postman/Mail Guard cadre for the
vacancies of the year 2003, 2004 and 2005 as circulated vide
memo dated 14.07.2006, submitted his application for
appearing at the examination scheduled to be held on
8.10.2006. Accordingly, the applicant was issued with Hall
Permit and he appeared at the examination on the scheduled
date, whereafter the result was published declaring the
applicant to have been successful. In consequence of this,
the applicant was promoted to Mail Guard cadre in merit

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quota vide Annexure-A/3 dated 21.3.2007. While the applicant was about to join the promotional post, Respondent No.4 cancelled the selection of the applicant for the post in question vide Annexure-A/4 dated 23.3.2007. Hence, this application with the following prayers:

“8.1 That the order dated 23.3.2007 (Annexure-A/4) be quashed.

8.2 That direction be issued to the respondent No.4 to allow the applicant to hold the post of Mail-Guard with consequential benefits from 23.3.2007.”

2. In support of his contention, the applicant has submitted that once he has been declared qualified in the examination, the Departmental authorities are stopped to cancel the said selection. It has further been urged that without complying with the principle of natural justice, the cancellation of selection is vitiated.

3. The Respondents-Department, by filing a detailed counter, opposed the prayer of the applicant on the ground that at the time of posting/allotment of the qualified candidates, the answer sheets and the marks obtained by them were again verified and it was detected that the applicant though secured the qualified percentage of marks in aggregate he had failed in one of the individual paper. In




the above background, the cancellation memo for promotion to Mail Guard was issued. With these submissions, the Respondents have prayed that the O.A. being devoid of merit is liable to be dismissed.

4. We have heard Mr. D.P.Dhalsamant, Ld. Counsel for the applicant and Mr. U.B.Mohapatra, Ld. Sr. Standing Counsel appearing for the Respondents and perused the materials placed on record.

5. In course of hearing, Ld. Counsel for the Respondents submitted the answer scripts of the applicant, wherein the applicant has secured 21 marks out of 50 in respect of individual paper, i.e., Paper No.B (Arithmetic).

6. Since, it is not disputed by the applicant's counsel that the applicant has not secured the qualifying percentage of marks in the examination, we have no hesitation to hold that the applicant has not been able to make out a case for any of the reliefs prayed for.

7. In the circumstances, the O.A. fails and is dismissed. No costs.


MEMBER (A)


MEMBER (J)