

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

OA No.312 of 2010

Amiya Kumar Das Applicant

-Versus-

Union of India & Ors. Respondents

1. Order dated: the 9th June, 2010.

C O R A M:

THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (A)


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In this Original Application filed under section 19 of the A.T.Act, 1985, the Applicant seeks to quash the select list under Annexure-5 dated 27.04.2010 for the post of Postman and to declare the Applicant selected for the post of postman in response to the examination held on 31.1.2010. Annexure-5 is the list of names of 10(ten) candidates who were found successful in the examination conducted for promotion to the post of Postman. It appears, name of the applicant could not find place in the said list due to securing less mark in paper A of the examination. It is revealed from record that by filing representation under Annexure-9 dated 13.5.2010 applicant sought enquiry into the paper A of the applicant. Heard Mr.A.Routray Learned Counsel for the Applicant and Mr. U.B.Mohapatra, Learned SSC appearing on notice for the Respondents and perused the materials placed on record. It is seen that though the applicant sought quashing of the order under Annexure-A/5 persons who will be affected by the order has not been made as party to this OA. Applicant sought his promotion by

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quashing the list of ten candidates who were found successful by the positive act of selection conducted by the Respondents. Virtually, Applicant seeks direction for reevaluation of marks in Paper-A examination conducted on 31.1.2010 for promotion to the post Postman which is beyond the competence of this Tribunal as held by the Hon'ble Apex Court in the case of **Pramod Kumar Srivastava v Chairman, Bihar Public Service Commission, Patna and others**, AIR 2004 SC 4116. In view of the above, as agreed to, this Original Application is disposed of at this admission stage with direction to the Respondent No.1 to take a view on the representation which the applicant has made under Annexure-9 and communicate the result of such consideration to the applicant in a reasoned order within a period of thirty days from the date of receipt of this order. While giving consideration to the representation as directed above, the Respondents should also treat the averments made in this OA as part of the representation.

Send copy of this order along with OA to the Respondent No.1.


(C.R. Mohapatra)
Member (Admn.)