

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
CALCUTTA

O.A. 924 of 1996

Date of order: 11.8.2005

Present : Hon'ble Mr. Justice B. Panigrahi, Vice-Chairman.
Hon'ble Mr. N. D. Dayal, Administrative Member.

Maloy Kr. Sarkar

- Versus -

Union of India and Ors.
(Post)

For the applicant : Mr. K. Chakraborty, counsel.
For the respondents : Mr. B.K. Chatterjee, counsel.

ORDER

Per Justice B. Panigrahi, VC

In this case the applicant was one of the candidates for the post of EDDA in Aiho Sub Post office of Malda Sub-Division against the vacancy occurring due to retirement of Sri Kamala Pada Chatterjee, the previous incumbent w.e.f. 29.6.96. The applicant claims to have worked as EDDA from 13.4.96 to 17.7.96. When there was clear vacancy the respondent authorities asked the local Employment Exchange to sponsor suitable candidates. The name of the applicant as well as nine other candidates were sponsored. The authorities conducted a bio-data verification of all the candidates. After such verification the Pvt. Respondent No. 6 was selected. We are given to understand that he has already joined as EDDA for the village Aiho



*Sub Post Office. Being aggrieved by such appointment of Pvt. Respondent No. 6 the applicant has filed this case.

2. Mr. Chakraborty, Id. counsel appearing for the applicant has submitted that the respondent authorities have not at all considered the past experience of the applicant as he worked as EDDA for more than four months. It has been further submitted that the applicant did possess the landed property whereas Pvt. Respondent No. 6 did not possess any property at all. Therefore, the action of the respondent authorities is illegal, unlawful.


3. Mr. Chatterjee, Id. counsel appearing for the official respondents has submitted that so far as the possession of landed property is concerned, it is open to the authority to consider such criteria of possessing adequate means of livelihood at the time of giving appointment, but not at the time of selection. It is further submitted that the Pvt. Respondent No. 6 possessed better academic career than that of the applicant. In the rule, there is no such provision that while making regular selection past experience should also be taken into consideration. Therefore, the action of the official respondents cannot be called in question in which the Pvt. Respondent No. 6 was selected and given appointment as EDDA for village Aiho Sub Post Office.


4. After an exhaustive hearing of Id. counsel for both parties and on perusal of the record of bio-data verification maintained by the official respondents, we notice that the total marks secured by the



applicant in Higher Secondary Examination is 353 whereas the Pvt. Respondent No. 6 secured 380 marks. On perusal of the bio-data, it is further clear that he has secured the highest marks among all the nine candidates. In so far as the other points raised by Mr. Chakraborty that possession of landed property was not properly verified by the respondents are concerned, the matter has been settled by a recent judgment of the Hon'ble Supreme Court that such means of livelihood of the candidate shall have to be looked into at the time of giving appointment. It is further stated that some means of livelihood and possession of property is required to be taken note of in the case of EDBPM, and not in the case of EDDA. After verification of the rule, we find that no such requirement is required to be examined for selection of EDDA.

5. Accordingly, we do not find any merit in the application and the same is dismissed. It is open to the applicant to apply again for the vacant post in future, if such advertisement takes place and in the event he comes out successful in the selection, the respondent authorities shall consider his case.


Member (A)


Vice-Chairman.