

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH : CALCUTTA

O. A. 280/1997

CORAM

Hon'ble Mr. D.C.Verma, Vice Chairman(J)

Hon'ble Mr. G.R.Patwardhan, Member (A)

Sukdeb Chandra Pramanik

V/s.

U. O. I. & Ors.

For applicant : Mr. B. Mukherjee

For respondents : Mr. S.K.Dutta

Date of order: 18.01.05

ORDER ( ORAL )

(Per D. C. VERMA )

By this OA the applicant has prayed for quashing of the appointment of respondent no.4, Sadhan Dutta on the post of EDDA. Further prayer is to direct the respondents to appoint the applicant in terms of the roaster approved by the competent authority.

The fact in brief is that on promotion of Shri Joydeb Datta, EDDA of Bon-Mohurapur Branch Post Office to the post of Postman, the post of EDDA fell vacant. Consequently a notification was issued to fill up the vacancy. The applicant, <sup>name</sup> alongwith 35 others ~~the exchange~~ were sponsored by the employment exchange. After verification of their records the respondent no.4 was appointed to the post. Aggrieved by that the applicant/ approached this Tribunal.

The respondent nos. 1 to 3 have filed their reply. No reply filed on behalf of respondent no.4.

The main ground taken in the OA is that the applicant belongs <sup>was</sup> C category. The post advertised for OBC. The applicant was qualified amongst OBC candidates. Though Mr. Sadhan Dutta, no.4 who belongs to general category has been appointed ignoring of the applicant.

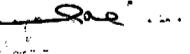
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5. The respondents' case is that the post was not reserved for any category. As per the notification candidates belonging to schedule caste, schedule tribe or OBC were to be preferred if no suitable candidates in other category was available. It is also mentioned in the reply that in the relevant year 50% vacancy of the post of reservation were already filled up, consequently there was no question to reserve the EDDA vacancy for reserve candidate.

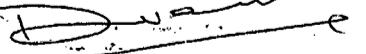
6. Counsel for the parties have been heard at length. The applicant secured only 43% marks whereas amongst the SC candidates one Shri Tamali Mal secured 55% marks. The respondent no. 4 who was selected secured 63% marks. This shows that the persons who has been selected, i.e resp. no. 4, secured the highest marks. On the basis of marks therefore the respondent no. 4 is far ahead in comparision to the applicant. The copy of notification is not filed to show that the post was reserved for OBC candidate, therefore the respondents' reply that the post was not reserved has to be accepted. Besides that if 50% reservation had been already filled up in the relevant year, there was no question to reserve the present post.

7. Learned counsel for the applicant Shri B. Mukherjee submitted that the applicant's candidature may be considered for the subsequent vacancy. No such direction can be given. The candidature can be considered only in respect of a post for which the applicant applies. It is always open to the applicant to apply against a vacancy which is notified and the respondents would consider the same as per the Rules.

8. In view of the above discussion, the OA lacks merit. It is accordingly dismissed. Costs easy.

  
(G.R. Patwardhan)  
Member(A)

CMJ/

  
(D.C. Verma)  
Vice Chairman(J)