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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH

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ORIGINAL APPLICATION No. 153 of 1987

Date of decision .. April 28, 1988.

Sri Baistamba Charan Das, son of late Parakhita Das,  
Monument Attender, Archaeological Survey of India,  
Near Durga Temple, At/P.O.- Baideswar, Via- Kalapathar,  
Dist- Cuttack .. Applicant.

Versus

1. Union of India, represented by Director General,  
Archaeological Survey of India, Janpath, New Delhi-110 011.
2. Superintending Archaeologist, Archaeological Survey of India  
Bhubaneswar Circle, Bhubaneswar- 751 001.
3. Sri Harihar Behera, Office of Superintending Archaeologist,  
Archaeological Survey of India, Bhubaneswar Circle,  
Bhubaneswar- 751 001.

.. Respondents.

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M/s P.V.Ramdas, &  
B.K. Panda, Advocates .. For Applicant .

Mr. Ganeswar Rath, Addl.  
Standing Counsel (Central).. For Respondents.

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C O R A M :

THE HON'BLE MR. B.R. PATEL, VICE CHAIRMAN

A N D

THE HON'BLE MR. K.P. ACHARYA, MEMBER ( JUDICIAL)

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1. Whether reporters of local papers may be  
allowed to see the judgment ? Yes .
  2. To be referred to the Reporters or not ? NO .
  3. Whether Their Lordships wish to see the  
fair copy of the judgment ? Yes.
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J U D G M E N T

K.P.ACHARYA, MEMBER (J),

In this application under section 19 of the Administrative Tribunals Act, 1985, the prayer of the petitioner is to strike down the appointment issued in favour of Opposite Party No.3 appointing him as a Driver - Mechanic in the office of the Archaeological Survey of India at Bhubaneswar .

2. Shortly stated , the case of the petitioner is that he was appointed as Monument Attendant in Archaeological Survey of India and was posted at Baideswar in January, 1971. He served as such for a particular period and on 12.11.1986, vide Annexure-1, intimation was given to the petitioner that a post of Driver- Mechanic has fallen vacant and if he so desires, he may make an application for appointment to the said post. The petitioner along with many others including Opposite Party No.3 had made applications for appointment to the said post. An interview was conducted on 14.4.1987 in which the petitioner, Opposite Party No.3 and others did appear. The case of the petitioner is that an order of appointment has been issued in favour of Opposite Party No.3 in preference to the petitioner which is sought to be struck down.

3. In their counter , the Opposite Parties maintained that the result of the interview has not yet been published . The matter is still under consideration. The stand taken by the petitioner is far fetched and imaginary. Hence it is maintained by the Opposite Parties that the case being devoid of merit is liable to be dismissed.

4. We have heard Mr. P.V. Ramdas, learned counsel for the petitioner and Mr. Ganeswar Rath, learned Additional Standing Counsel for the Central Government at some length. Mr. Rath submitted that as yet results have not been published. Question of appointment of Opposite Party No.3 does not arise till today. Mr. Rath repeated the averments made in the counter that the information of the petitioner that Opposite Party No.3 has been appointed is far fetched and imaginary. After hearing learned counsel for both sides, we are convinced that there is considerable force in the contention of Mr. Rath, learned Additional Standing Counsel that the apprehension of the petitioner is <sup>baseless</sup> ~~abs~~ <sup>baseless</sup>. No order of appointment has <sup>been</sup> yet issued in favour of Opposite Party No.3 and therefore <sup>the</sup> question of interference by this Bench does not arise. Before we part with this case, we may also observe that on a perusal of the contents of Annexure-R/1 it is found that the post in question has to go to a member of the scheduled Tribe. This is the decision taken by the Archaeological Survey of India. Admittedly the petitioner is a member of scheduled caste. Therefore, the edifice of the case being very feeble, it cannot be allowed to stand. We find no merit in the case which stands dismissed leaving the parties to bear their own costs.

5. Before we part with this case, we may observe that in future whenever any vacancy occurs to be filled in by candidates of other communities, the case of the petitioner be also considered

B.R. PATEL, VICE CHAIRMAN,  
Central Admn. Tribunal,  
Cuttack Bench  
April 28, 1988/Roy, SPA.

I agree.

*[Signature]*  
28.4.88  
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Member (Judicial)  
*[Signature]* 28.4.88  
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Vice Chairman:.....

