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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH

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ORIGINAL APPLICATION No. 233 OF 1987.

Date of decision .. January 19, 1988.

Parikhita Pradhan, son of Lingaraj Pradhan,  
At /P.O- Samsarpur, Via- Athgarh, Dist- Cuttack.  
Ex- Extra Departmental Delivery Agent, Samsarpur B.O.

... Applicant.

Versus

1. Union of India,  
represented by the Secretary, Posts,  
Dak Bhavan, New Delhi- 110 001.
2. The Postmaster General, Orissa Circle,  
At, P.O. Bhubabeswar, Dist- Puri.
3. The Senior Superintendent of Post Offices,  
South Division, Cuttack- 753 001.
4. Sub-Divisional Inspector (Postal),  
Athgarh Sub-Division, Athgarh 754 029,  
Dist- Cuttack.

... Respondents.

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M/sDevananda Misra, Deepak Misra,  
R.N.Naik & S.S.Hota, Advocates ...

For Applicant.

Mr. A.B.Misra, Sr. 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 from local papers have been  
permitted to see the judgment ? Yes .
  2. To be referred to the Reporters or not ? No .
  3. Whether Their Lordships wish to see the  
original 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 , Annexure-2 dated 3.2.1985 cancelling the appointment of the applicant as Extra Departmental Delivery Agent , Samsarpur Branch Post Office is under challenge and sought to be struck down.

2. Shortly stated , the case of the applicant is that vide Annexure-1 dated 22.5.1984 the applicant was appointed as Extra- Departmental Delivery Agent, Samsarpur Branch Post Office in account with Athgarh Head Office with effect from 18.5.1984 and he worked as such till the forenoon of 4.3.1985 when he was served with a notice to relinquish charge of his post in the forenoon of 14.3.1985 as the order of appointment issued in his favour stood cancelled . Being aggrieved by this order contained in Annexure-2 , the applicant has filed this application with the prayer mentioned above.

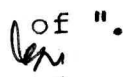
3. In their counter, the respondents maintained that there was no provision in the relevant rules to conduct an interview which had been conducted by the competent authority while considering the applications of the applicant and others for appointment to the said post. This illegality having been committed , the competent authority rightly ordered cancellation of the appointment of the applicant and since no illegality has been committed by the competent authority, the impugned order should be sustained and there being no merit in this case , it is liable

to be dismissed .

4. We have heard Mr. Deepak Misra, learned counsel for the applicant and Mr. A.B.Misra, learned Sr. Standing Counsel ( Central) for the respondents at some length. Learned Sr. Standing Counsel <sup>submitted</sup> before us <sub>by</sub> relying on the communication made with him by the Superintendent of Post Offices, Cuttack ( South),Cuttack that the application itself has become infructuous and should be accordingly disposed of as the applicant, has in the meanwhile, been absorbed as E.D.D.A.Samsarpur B.P.O. with effect from 21.7.1987. The letter in original was placed before us which forms subject-matter of letter No. H.13/74-75 dated 6.10.1987 addressed to the Sr. Standing Counsel ( Central),Cuttack by the Superintendent of Post Offices, Cuttack ( South) Cuttack. It runs thus :-

" As desired by Hon'ble CAT,Cuttack, the appeal pending with Respondent No.3, has this day been disposed of.

It is further to intimate you that Sri ParikhitPradhan, applicant has been absorbed as EDDA, Samsarpur B.P.O. with effect from 21.7.87 and is continuing as such there . This may kindly be apprised of to the Hon'ble CAT and the case be disposed

of ".  


*AD*  
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From the above, we are bound to presume that the applicant has been regularly absorbed in the post in question, otherwise the word " absorbed " would not have been used by the Superintendent of Post Offices. We think the learned Sr. Standing Counsel rightly submitted that in view of the absorption, the application itself has become infructuous. In view of the absorption of the applicant in the said post, we hold that cancellation of the appointment of the applicant, vide Annexure-2, is no more effective from 21.7.1987 and therefore, it is directed that he should continue in the said post as a regular employee in the category of Extra- Departmental Delivery Agent.

5. Thus, the application is accordingly disposed of leaving the parties to bear their own costs .

*legat*  
*19.1.88.*  
 .....  
 Member ( Judicial)

B.R. PATEL, VICE CHAIRMAN,

*I agree.*

*B.R. Patel*  
*19.1.88.*  
 .....  
 Vice Chairman.

Central Administrative Tribunal,  
 Cuttack Bench.  
 January 19, 1988/Roy, SPA.

