

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

O.A.No.116 of 1989.

Decided on 1st August, 1989.

Sukanta Chandra Panda,
Son of Laxmidhar Panda,
at present working as
E.D.D.A., Odasingha Branch Post Office,
Via- Rameswar, District-Cuttack.

... Applicant

Versus.

1. Union of India, represented by its
Secretary, Department of Posts,
Dak Bhavan, New Delhi.
2. Postmaster General, Orissa Circle,
At/P.O.-Bhubaneswar, Dist-Puri.
3. Superintendent of Post Offices,
South Division, Cuttack,
P.O. and District-Cuttack.
4. Sub-Divisional Inspector (Postal),
Central Sub-Division, Cuttack,
P.O. & District-Cuttack.

... Respondents

PRESENT :

M/s. Deepak Misra, Devananda Mishra,
R.N. Naik, Anil Deo and B.S.
Tripathy

... For Applicant

Mr. Tahali Dalai, Addl.
Standing Counsel (Central)

... For Respondents.

C O R A M.

THE HONOURABLE MR. B.R. PATEL, VICE-CHAIRMAN
A N D

THE HONOURABLE MR. N. SEN GUPTA, MEMBER (JUDICIAL)

1. Whether the 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.

J U D G M E N T.

B.R. PATEL, VICE-CHAIRMAN. In this application filed under section 19 of the Administrative Tribunals Act, 1985, the applicant has sought a direction to be issued directing the respondents to consider his case for the post of Extra-Departmental Delivery Agent (EDDA), Odasingha Branch Post office on regular basis.

2. The facts, briefly stated, are that the applicant was appointed as E.D.D.A. of Odasingha Branch Post office on 5.2.88 provisionally till the arrangement was made for regular appointment. Thereafter the department wrote to the Employment Exchange to send a list of candidates to be considered for the above mentioned post. The name of the applicant was not sponsored by the Employment Exchange though it sponsored as many as 20 names. After scrutiny, seven persons were selected for their consideration, the rest having been eliminated at the stage of preliminary scrutiny. Those seven persons have been asked to produce the required documents. The grievance of the applicant is that he has not been asked by the department as yet to furnish the required papers in order to enable the department to consider his case along with the cases of the aforesaid seven persons.

3. We have heard Mr. Deepak Mishra, learned counsel for the applicant and Mr. Tahali Dalai, the learned Additional Standing Counsel for the Central Government. Mr. Mishra has submitted that as the applicant was already an employee of the department it was but fair that his case should have been considered along with other eligible candidates. The fact that his name was not sponsored by the Employment Exchange should not stand on the way of his case being considered by the department. He has prayed that the department should be directed to consider the case of the applicant along with the other eligible candidates. Mr. Dalai has submitted that as per the rules, the department wrote to the Employment Exchange to sponsor some names who satisfy the requirements and the Employment Exchange sponsored 20 names but did not sponsor the name of the applicant and it is not obligatory on the part of the department to consider the case of the applicant.

4. Having heard the learned counsel for both the parties and gone through the relevant records, we are of the view that since the applicant has been working as EDDA of the Branch Post office for over one year, it is but proper that he should also be considered along with the other eligible candidates. The fact that his name was not sponsored by the Employment Exchange should not be allowed to stand on the way of his case being considered by the department. We, therefore, direct that the case of the applicant should be considered along with the other seven eligible candidates. The applicant is hereby directed

to furnish the required papers and documents to the competent authority within three weeks from today, if not already submitted. He should be allowed to continue as EDDA of Branch Odasingha/Post office till a regular appointment is made.

5. The application is allowed. Parties to bear their own costs.

..... 1.8.89
VICE-CHAIRMAN.

N. SEN GUPTA, MEMBER (JUDICIAL)

I agree.



..... 1.8.89
MEMBER (JUDICIAL).

Central Administrative Tribunal,
Cuttack Bench, Cuttack,

The 1st August, 1989/Jena/SPA.