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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

Original Application No. 172 of 1989.

Date of decision : May 8, 1989.

Sri Ganesh Prasad Sahoo, son of Sri Gopal
Prasad Sahoo, aged about 26 years, vill/P.O.
Adhuan, via-Bhadrak H.O., Dist-Balasore.

...

Applicant.

Versus

1. Union of India, represented by its
Secretary, Department of Posts,
Dak Bhawan, New Delhi.
2. Postmaster General, Orissa,
Bhubaneswar.
3. Superintendent of Post Offices,
Bhadrak Division,

...

Respondents.

For the applicant ... Mr. L. K. Sen, Advocate.

For the respondents ... Mr. A. B. Mishra,
Sr. Standing Counsel (Central)

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)

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.

JUDGMENT

K.P.ACHARYA, MEMBER (J)

In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays for reinstatement with back wages to the post of Extra-Departmental Branch Post Master, Adhuan within Bhadrak Postal Division.

2. Shortly stated, the case of the applicant is that for the post of Extra-Departmental Branch Postmaster, Adhuan a fresh advertisement was made calling for applications in compliance with the judgment of this Bench and illegally one Shri Bhagirathi Mohanty has been appointed to the said post in supersession of the claim of the applicant. Hence, this application with the aforesaid prayer.

3. We have heard Mr. L.K. Sen, learned counsel for the applicant and Mr. A.B. Mishra, learned Senior Standing Counsel (Central) at some length. Mr. Sen strenuously urged before us that selection and appointment of Shri Bhagirathi Mohanty is illegal, unjust and improper in view of the fact that the applicant is more qualified (Educational) than Shri Bhagirathi Mohanty. Before we express our opinion, on the merits of this case it would be worthwhile to state certain facts which have led the applicant to file this application. The present applicant was the petitioner in Transferred Application No. 367 of 1986 disposed of by us on 2.9.1987. In that case we ordered cancellation of the appointment of the applicant and that of Bhagirathi Mohanty and we directed fresh advertisement to be published calling

for applications from intending candidates and the case of all the candidates including the applicant and Bhagirathi Mohanty should be considered and he who is found to be suitable should be appointed to the post. Later, another application was filed by Shri Bhagirathi Mohanty forming subject matter of Original Application No. 23 of 1988 which was disposed of on 22.11.1988. There, we stated, in paragraph 8 of our judgment that he who ever is found to be suitable should be appointed to the above mentioned post Office and in case, the applicant Ganesh Prasad Sahoo is selected, then the name of Shri Bhagirathi Mohanty should find place in the waiting list and in case, Shri Bhagirathi Mohanty is appointed, the name of Ganesh Prasad Sahoo should be included in the waiting list. With these observations we disposed of the aforesaid case. The applicant, Ganesh Prasad Sahoo has come up with this application with the aforesaid prayer about which there was a strenuous attempt by Mr. L. K. Sen to dislodge the action taken by the competent authority on the basis of the judgments given by this Bench in the cases mentioned above. According to Mr. Sen, Bhagirathi Mohanty was found to be suitable and has been appointed for which the applicant Ganesh Prasad Sahoo has a grievance and wants Bhagirathi Mohanty to be dislodged. Shri Bhagirathi Mohanty having been found to be suitable by the competent authority and in the absence of any data being furnished to us regarding the fact that any illegality/bias has been committed in the matter of appointment of Bhagirathi Mohanty, we do not like to interfere with the order issued by the competent authority appointing

Shri Bhagirathi Mohanty and therefore, on this score we do not find any merit in the contentions of Mr. Sen.

4. Lastly, Mr. Sen submitted that Shri Ganesh Prasad Sahoo has not yet been included in the waiting list. Though we have grave doubts about the correctness of the statement made by Mr. Sen on instructions from his client, yet as an abundant precautionary measure we would say the concerned Superintendent of Post Offices would take note of this fact and in case the name of Ganesh Prasad Sahoo has not been included in the list, it should be so done within one month from the date of receipt of a copy of this judgment. In case, waiting list is maintained in the Office of the Postmaster General, Orissa Circle, we would request the Postmaster General to look into this matter and include the name of Ganesh Prasad Sahoo in the waiting list within one month from the date of receipt of a copy of this judgment.

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

B. R. Patel
8/5/89
Member (Judicial)

B. R. PATEL, VICE-CHAIRMAN,

I agree.

Amrit Sarangi
8/5/89
Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
May 8, 1989/Sarangi.

