

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

O.A.No. 255 of 1989.

Date of decision - 8th November, 1989.

Akshaya Kumar Patra,
Son of Akuli Patra,
residing at Shaktinagar,
Rourkela-14, Dist-Sundargarh.

... 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. Senior Superintendent of Post Offices, At/P.O./District-Sundergarh.
4. Sub-Divisional Inspector (Postal) Rourkela West Sub-Division, Rourkela-769 002, Dist-Sundergarh.
5. Basant Kumar Naik,
Son of Bhagirathi Naik
at present residing at Qrs.No.G/91,
Sector-19, Rourkela-5, Dist-Sundergarh.

... Respondents

For Applicant - M/s. Deepak Mishra & R.N.Naik

For Respondents - Mr. Tahali Dalai, Addl. Standing Counsel (Central).

CORAM:

THE HONOURABLE MR. B.R. PATEL, VICE-CHAIRMAN

AND

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

6/12

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.

B.R. PATEL, VICE-CHAIRMAN. In this application the applicant has contended that though he applied for the post of Extra Departmental Delivery Transport Mail Peon for the Rourkela-Koira line, his case has not been considered even though he had been working both as E.D.Transport Mail Peon and as E.D. Mail Carrier-cum-Packer from 1981 to 1984 and then from 1984 to 1988.

2. The respondents in their counter have controverted this position and have maintained in para-7 of the counter that the applicant was never appointed by the Department as an E.D. staff but he worked as a substitute to different persons when they went on leave and were not available for work. Whatever may be the correct factual position, here we cannot institute a roving enquiry.

3. We have heard Mr. Deepak Mishra, learned counsel for the applicant and Mr. T. Dalai, learned Additional Standing Counsel for the Central Government and perused the papers. There is no mention in the counter that the case of the applicant was not considered. On the other hand, as we find from Annexure-R/2 his case has not been considered on the ground that he did not belong either to Rourkela or to Koira the two end points of the

Answer

route. But we find from Annexure-R/2 that he and his family ordinarily reside in Rourkela. If this was really the consideration for which his case was not considered, we hold that the selection of respondent No.5 is not valid. As such the order of appointment of respondent No.5 vide Annexure-4 is quashed and the competent authority is hereby directed to consider the case of the applicant along with all ~~other~~^{other} eligible candidates afresh and select a candidate most suitable for the post.

4. The application is accordingly disposed of, leaving the parties to bear their own costs.

Bhawan 8: N. 87
VICE- CHAIRMAN.

N. SEN GUPTA, MEMBER (JUDICIAL).

I agree.

Member 8/11/89
..... MEMBER (JUDICIAL)



Central Administrative Tribunal,
Cuttack Bench, Cuttack,

The 8th November, 1989/ Jena, SrPA