

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.**

O.A. No. 266 of 1989.

Date of decision - November 8, 1989.

Prafulla Kumar Nayak,  
Son of late Gopinath Nayak,  
Village/P.O. Kaptipada,  
District- Mayurbhanj.

... Applicant.

## Versus.

1. Union of India represented by the Director General (Posts), India, Dak Bhawan, New Delhi.
2. Postmaster General, Orissa Circle, At/P.O. Bhubaneswar-1, Dist-Puri.
3. Superintendent of Post offices, Baripada Division, At/P.O. Baripada, District-Mayurbhanj.
4. Sub-Divisional Inspector (Postal) Udaipur Sub-Division, At/P.O. Udaipur, District- Mayurbhanj.
5. Nityananda Maharana, Village-Sansimulia, P.O. Kaptipada, District-Mayurbhanj.

### ... Respondents

**For Applicant**

- Mr. Pradipta Mohanty

### For Respondents

- Mr. T. Dalai,  
Additional Standing Counsel (Central)

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 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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JUDGMENT.

B.R. PATEL, VICE-CHAIRMAN. Briefly stated the facts are that the applicant was working as a substitute of one Umakanta Behera who was working as an Extra-Departmental Delivery Agent ( E.D.D.A.) Kaptipada in the district of Mayurbhanj when the latter proceeded on leave on 1.3.1988. He worked as such till 31.5.1988 and was appointed provisionally as E.D.D.A. with effect from 1.6.1988 vide Annexure-R(c) on the retirement of the said Umakanta Behera. The provisional appointment was to last till a regular appointment was made to the post. After that the competent authority wrote to the Employment Exchange to sponsor the names of the eligible candidates for appointment as E.D.D.A.. The Employment Exchange sponsored 20 candidates who were asked to apply for the post. Only seven candidates submitted their applications and respondent No.5 who was one of the seven candidates was selected for the post whereupon the applicant was asked to vacate the post. The grievance of the applicant is that his case was not considered by the competent authority for the post though he was holding it for some time on provisional basis. He has prayed that the order of appointment of respondent No.5 should be quashed and he ( the applicant) should be allowed to

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continue in the post of E.D.D.A..

2. The respondents have maintained in their counter that they wrote to the Employment Exchange for candidates as required under the rules. As the name of the applicant was not sponsored by the Employment Exchange, his case could not be considered for the post. They have further stated that as the selection was made and appointment given according to the rules and instructions and no irregularities have been committed, the Tribunal should not interfere with the appointment of respondent No.5.

3. We have heard Mr. Pradipta Mohanty, learned counsel for the applicant and Mr. Tahali Dalai, learned Additional Standing Counsel for the Central Government and perused the papers. Admittedly the applicant was working as a substitute to start with and later as E.D.D.A. on provisional basis pending regular recruitment. Admittedly his name was also not sponsored by the Employment Exchange. He had, however, applied to the competent authority to consider his case along with the cases of the candidates sponsored by the Employment Exchange. This fact has been admitted by respondents in paragraph-7 of their counter where it has been mentioned, "as regards his application to the respondent No.4, it is not denied." In view of the fact that the applicant was working as E.D.D.A. and he did apply for the post, we are of the view that his case should have been considered along with those sponsored by the Employment Exchange. This view we have taken in some other cases in the past. We hereby direct, therefore, that the case of the

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applicant should be considered along with the cases of the candidates sponsored by the Employment Exchange. This should be done within a period of two months from the date of receipt of a copy of the judgment. As a consequence, the appointment of respondent No.5 Sri Nityananda Maharana as E.D.D.A. Kaptipada sub-office is quashed. The existing arrangement to manage the work should continue till a suitable candidate is selected and appointed in the post according to the directions given above.

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

*Emmended*  
..... 8.11.89  
VICE- CHAIRMAN.

N. SEN GUPTA, MEMBER (JUDICIAL) .

I agree.



*N. Sen* 8.11.89  
..... 8.11.89  
MEMBER (JUDICIAL)

Central Administrative Tribunal,  
Cuttack Bench, Cuttack,  
8th November, 1989/Jena, SPA.