

(4)

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

O.A.No.329 of 1989

Date of decision- 7th August, 1989.

Prafulla Kumar Mohanty,  
Son of Khetramohan Mohanty,  
Village/P.O.Bantaligram,  
Via-Puri-II, District-Puri,  
at present working as Extra-Departmental  
Delivery Agent, Bantaligram B.O. in A/C. with  
Puri-II SQ, District-Puri.

... Applicant.

Versus.

1. Union of India, represented by its  
Secretary, Department of Posts,  
Dak Bhavan, New Delhi.
2. Chief Postmaster General, Orissa,  
At/P.O.Bhubaneswar, District-Puri.
3. Senior Superintendent of Post Offices,  
Puri Division, At/P.O./District-Puri.
4. Assistant Superintendent of Post Offices,  
In charge, Puri South Division, Puri-752001.

... Respondents.

For applicant - M/s. Devanand Misra, Deepak Misra,  
R.N.Naik, A.Deo, B.S.Tripathy.

For respondents- Mr. Tahali Dalai, Additional Standing  
Counsel for the Central Govt.

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CORAM.

The Honourable Mr. B.R.Patel, Vice-Chairman

And

The Honourable Mr. N. Sen Gupta, Member (J)

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Misra  
7/8/89

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.

In this application filed under

section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for appropriate orders directing the respondent No.4 to consider his case for regular appointment to the post of Extra-Departmental Delivery Agent (E.D.D.A. ) in Bantaligram Branch Post office.

2. Briefly stated, the facts of the case are that the applicant was provisionally appointed as E.D.D.A. of the aforesaid post office on the retirement of his father. His appointment was provision<sup>al</sup> pending regular appointment to the post. In order to fill up the post on regular basis, the department wrote to the Employment Exchange to sponsor suitable candidates for the post. The applicant's name was also sponsored by the Employment Exchange and the applicant applied to the department in the prescribed manner vide Annexure-2. In the meantime, the applicant has come to know that the competent authorities are not inclined to consider his case for the post on the ground that he has been working provisionally against the said post.

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2-8-81

3. We have heard Mr. R.N.Naik, learned counsel for the applicant and Mr. Tahali Dalai, learned Additional Standing Counsel for the Central Government. Mr. Naik has submitted that since the applicant is working against the said post on provisional basis, he has a right to be considered and that should not be a ground for not considering his case by the competent authorities. Mr. T.Dalai, on the other hand, has contended that his provisional appointment is not the sole ground for consideration of his case by the competent authorities. After having heard the learned counsel for both the sides, we have come to the conclusion that since the applicant has been working as E.D.D.A. although provisionally and since his candidature has been sponsored by the Employment Exchange and as he satisfied the eligibility conditions, his case should be considered along with other candidates for regular appointment to the post of E.D.D.A. of Bantaligram Branch Post Office. While considering the case of the applicant, his experience will no doubt be taken into consideration by the competent authorities. Till a regular appointment is made, the applicant be allowed to continue in the present post.

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

N.Sen Gupta, Member(J).

I agree.

*Ambedkar*  
Vice-Chairman. 7.8.89

Central Administrative Tribunal,  
Cuttack Bench, Cuttack.  
the 7th August, 1989/Jena, SPA.



*N.Sen Gupta*  
Member (Judicial).