

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 223 of 1990

Date of Decision: 4.11.1992

Versus

Union of India & Others Respondents

For the applicant **Mr. S. N. Mishra,**
Advocate

For the respondents Mr. Aswini Kumar Mishra,
Standing Counsel (Central)

C O R A M:

THE HONOURABLE MR. K. P. ACHARYA, VICE-CHAIRMAN

AND

THE HONOURABLE MR. K. J. RAMAN, MEMBER (ADMINISTRATIVE)

• • •

1. Whether the reporters of local newspapers may be allowed to see the judgment ? Yes
2. To be referred to reporters or not ? No
3. Whether Their Lordships wish to see the faircopy of the judgment ? Yes

• • •

(8)

JUDGMENT

MR .K.P.ACHARYA, VICE-CHAIRMAN, In this application under Section 19 of the Administrative Tribunals Act,1985, the petitioner challenges the appointment of O.P. No.5 to the post of Extra Departmental Branch Post Master, Nandigarh within Nayagarh Sub-division.

2. Shortly stated the case of the petitioner is that his case was not duly considered though he came within the preferential category being an Ex-Army personnel to be appointed to the post in question and OP No. 5 was illegally appointed ^{over looking} ~~by passing~~ the legitimate claim of the petitioner. Hence the appointment of O.P.No. 5 should be quashed.

3. In their counter the opposite parties maintain that the appointment of OP No.5 has been made according to rules and no illegality having been committed, the order of appointment should not be quashed.

4. We have heard Mr.S.N.Mishra, learned counsel for the petitioner and Mr.Aswini Kumar Mishra, learned Standing Counsel for the Central Government.

5. Mr.S.N.Mishra, learned counsel for the petitioner submitted that the petitioner should have been given preference over anything and everything, because he is an Ex-Army personnel and he comes within the preferential category. It was further submitted that the petitioner also belongs to the post village. However, from the check sheet we find that the appointing authority has taken note of the fact that the petitioner is an Ex-Army

B/N

(9)

personnel. After having taken note of the same, the appointing authority has found the O.P.No.5 to be suitable for appointment to the post in question. We find no illegality to have been committed by the appointing authority. Hence we are unable to accede to the request of the counsel for the petitioner to quash the appointment of O.P. No.5.

6. However in the present days Ex-Army personnel are being encouraged to have a job somewhere. We would direct the opposite parties to keep the petitioner in the waiting list and whenever vacancy arises either in the Nayagarh post office or anywhere nearby, the petitioner should be appointed even as E.D. Agent.

7. Thus the application is accordingly disposed of leaving the parties to bear their own costs.

(Signature)
MEMBER (ADMINISTRATIVE)

(Signature)
4.11.92
VICE-CHAIRMAN



Central Administrative Tribunal
Cuttack Bench, Cuttack
dated the 4.11.1992/ B.KSahoo