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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK

Original Application No.276 of 1990

Date of decision: 3rd December, 1990

Shri Ananda Chandra Behera,

aged about 35 years, son of Maheswar

Behera, resident of village/P.O.Nimani,

Via-Bhapur, District-Puri.

..... Applicant

-Vs-

1. Union of India, represented through its Secretary, Department of Posts, Dak Bhavan, New Delhi.
2. Chief Postmaster General, Orissa Circle, Bhubaneswar, Dist. Puri.
3. Superintendent of Post Offices, Puri Division, Puri
4. Assistant Superintendent of Post Offices, Incharge of Khurda Sub-Division, Khurda, District-Puri.

..... Respondents

For the Applicant. ~~M~~rs. Devanand Misra,
Deepak Misra, R.N. Naiak
A. Deo & B.S. Tripathy, Advocates

For the Respondents. Mr. A.K. Misra, Sr. Standing Counsel
(Central).

C O R A M :

THE HON'BLE MR. B.R. PATEL, VICE-CHAIRMAN
AND

THE HON'BLE MR. N. SENGUPTA, MEMBER (JUDICIAL)

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1. Whether reporters of local papers may be allowed to see the judgement ? Yes
 2. To referred to the Reporters or not ? *NO*
 3. Whether Their Lordships wish to see the fair copy of the judgement ? Yes.
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: - J U D G E M E N T : -

B.R.PATEL, VICE-CHAIRMAN In this case the applicant has moved the Tribunal to direct Respondent Nos.3 and 4 to regularised his service in the post of Extra Departmental Branch Post-Master (EDBPM) Nimani Branch Post Office or in the alternative to direct the aforesaid Respondents to consider the case of the applicant along with others for filling ^{up} ~~of~~ the posts. The post of E.D.B.P.M., Nimani in the district of Puri has fallen vacant on the alleged resignation of the incumbent from 1.7.89. The Department~~x~~ has initiated ^{the process} ~~again~~ for making regular appointment to the post. As required by ^{instructions} ~~Rules~~ they moved the local Employment Exchange to sponsor the names of the suitable candidates. On receipt of the names sponsored from the Employment Exchange they wrote to the candidate concerned for submission of the required documents. The allegation of the applicant is that he was not asked to send the documents when he was one of the candidates sponsored by the Employment Exchange. The applicant worked as a substitute from 26.6.89 to 7.6.90.

2. The Respondents have maintained in their counter that they have since received the letter from the applicant and his case will be duly considered in the normal course.

3. We have heard Mr. Deepak Misra for the applicant and Mr. A.K. Misra, Sr. Standing Counsel (Central) for the Respondents and perused the papers. Since Respondents have already agreed ^{to consider the case of the applicant} as it is clear from the Counter in para 2-a

B. R. Patel

there is hardly anything more to be done by the Tribunal. As the Applicant worked for a short while as a substitute, his service cannot be regularised. However we direct that his case will be considered along with other candidates whose names have been sent by the Employment Exchange, subject to the condition that the resignation alleged to have been tendered by the incumbent has been accepted by the Department.

4. The case is disposed of accordingly, leaving the parties to bear their respective costs.

M. K. S. 1/3/90
.....
MEMBER (JUDICIAL)

B. K. S. 5.12.90
.....
VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench, Cuttack
3rd December, 1990/Mohapatra

