

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

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Original Application No. 312 of 1990

Date of Decision: 13.10.1992.

Versus

Union of India & Others Respondents

For the applicant M/s. Gangadhar Tripathy
R.K.Nayak & R.N.Das Mohapatra
Advocates

For the respondents Mr. P. N. Mohapatra,
Standing Counsel (Central Govt.)

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C O R A M

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

AND

THE HONOURABLE MR. C. S. PANDEY, MEMBER (ADMN.)

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1. Whether the reporters of local newspapers may be allowed to see the judgment ? Yes
2. ~~Have~~ referred to reporters or not ? **AD**
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes

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JUDGMENT

MR .K.P.ACHARYA, VICE-CHAIRMAN, In this application under Section 19 of the Administrative Tribunals Act,1985, the petitioner prays to quash the impugned order contained in Annexure-3 and to direct ~~the~~ ^{the} opposite party no.2 to appointment the present petitioner as a Motor Driver in the Tele-communication Department, Bhubaneswar.

2. Shortly stated the case of the petitioner is that the Employment Exchange, Puri had recommended the name of the petitioner for the post of a Motor Driver, lying vacant in the Office of the District Engineer, Telecom Department, Bhubaneswar in response to the requisition sent by the said department. The petitioner appeared at an interview and was provisionally selected for appointment vide Annexure-2. Subsequently Vide Annexure-3 dated 9.8.1990, the provisional appointment stood ~~cancel~~^{led}. Hence this application with the aforesaid prayer.

3. In their counter the opposite parties maintain that the petitioner along with someothers had appeared in the interview and the petitioner was placed against Sl.No.2 in the merit list so far as the category of other communities are concerned. After this provisional selection was made, two other drivers who were working ~~on~~ casual basis and had completed 240 days of work in each year, had applied for regular absorption. They represented to the Chief General Manager, Tele-communication laying their grievances, who on consideration of their representation cancelled the selection of motor drivers made by OP No.2 and issued instructions to carryout fresh recruitment of motor drivers.

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Hence the provisional selection of the petitioner along with others stood cancelled.

4. We have heard learned counsel for the petitioner and and Mr. P.N. Mohapatra, learned Standing Counsel on the merits of the case.

5. After giving our anxious consideration to the arguments advanced at the Bar, we are of opinion that the Chief General Manager, Telecommunication has taken the correct view in ordering that the cases of those two drivers who had been working on daily wage basis should also be considered. The consideration zone should be made wider as far as possible to get the best person and therefore we would direct that the case of the petitioner along with others including those two drivers who had worked on daily wage basis be considered and after the suitability is adjudged, the person/persons found suitable be appointed.

6. Thus the application is accordingly disposed of.

No costs.

G. Bandy
MEMBER (ADMINISTRATIVE)

Log on
13/10/92
VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench, Cuttack
Bihar

