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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 313 of 1990.

Date of decision : December 19, 1990.

Bijaya Kumar Sahu ... Applicant.

Versus

Union of India and others ... Respondents.

For the applicant :: M/s. Devanand Misra,
Deepak Misra,
R. N. Naik, A. Deo,
B. S. Tripathy, P. Panda, Advocates.

For the respondents ... Mr. Aswini Kumar Misra,
Sr. Standing Counsel (CAT).

C O R A M :

THE HONOURABLE MR. B. R. PATEL, VICE-CHAIRMAN

A N D

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

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.

JUDGMENT

K. P. ACHARYA, VICE-CHAIRMAN, In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays for issuance of a direction to the respondents to issue the letter of appointment in favour of the applicant in respect of the post of Extra-Departmental Branch Post Master of Angarugaon Branch Post Office within the district of Ganjam.

2. Shortly stated, the case of the applicant is that the post of Extra-Departmental Branch Post Master of Angarugaon Post Office having fallen vacant, requisition was placed with

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the Employment Exchange at Chatrapur to sponsor certain names for consideration by the appropriate authority for appointment to the said post. The Employment Exchange sponsored names of three persons including the present applicant. According to the applicant, the competent authority had recommended the name of the present applicant to the Chief Post Master General who in his turn directed consideration of cases of persons from the open market and further directed for issuance of an advertisement to the above effect. Such being the grievance of the applicant, this application has been filed with the aforesaid prayer.

3. In their counter, the respondents maintained that the averment made by the applicant in his application that his case had been recommended to the Chief Post Master General and certain directions were issued by the Chief Post Master General is not at all correct- rather those averments are baseless. Respondents further maintained that cases of three persons who have been sponsored by the Employment Exchange were reconsidered and while the appropriate authority considered the solvency certificate of one of those sponsored candidates he was found not to be solvent and therefore his case was ruled out from consideration. It is further maintained by the respondents that so far as the applicant is concerned on a later date he had filed the deed of transfer effected by his father in his favour in respect of certain agricultural lands to the extent of Ac.1.333 dec. and that was not taken into consideration because it was filed much later though his solvency certificate to the extent of Rs.6000/- which was filed earlier had been taken into consideration. It is also maintained by the respondents that to

make the field of choice wider, the competent authority published an advertisement calling for names from the open market. In such circumstances, the case of the applicant being devoid of merit is liable to be dismissed.

4. We have heard Mr. Deepak Misra, learned counsel for the applicant and Mr. Aswini Kumar Misra, learned Senior Standing Counsel (CAT) for the respondents at some length. Mr. Deepak Misra, learned counsel for the applicant submitted that it was not open to the concerned authority to call for applications from the open market because there were three candidates before him including the applicant out of whom he could have selected the suitable person. In addition to the above Mr. Deepak Misra contended that while this application was filed, another application was filed for issuance of interim orders to stay further progress of selection and this Bench had ordered that the result of the application will govern the future course of action. We were told by Mr. Aswini Kumar Misra, learned Senior Standing Counsel (CAT) that the competent authority has already called for applications from the open market and cases of all the candidates would be considered. Giving our anxious consideration to the arguments advanced by Mr. Deepak Misra and Mr. Aswini Kumar Misra we feel inclined to hold that the field of choice should be wide enough for recruiting suitable candidate. In the circumstances stated above, we direct that the case of the applicant along with others be considered for appointment to the post of Extra-Departmental Branch Post Master, Angarugaon Branch Post Office and the solvency certificate already filed by the

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applicant to the extent of Rs.6000/- and the deed of transfer effected by the father of the applicant in his favour be also considered by the competent authority and orders be passed according to law for appointment to the post of Extra-Departmental Branch Post Master, Angarugaon Branch Post Office. The process of selection should be completed within two months from the date of receipt of a copy of this judgment.

5. This application is accordingly disposed of leaving the parties to bear their own costs.

Burhal 19.12.90
Vice-Chairman

Keasas MS 19.12.90
Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
December 19, 1990/Sarangi.

