

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK.

Original Application No. 357 of 1990.

Date of decision : March 13, 1991.

Padma Charan Jena ... Applicant.

Versus

Union of India and others ... Respondents.

For the applicant ... M/s. Biswajit Mohanty,
Nagendra Patra, Advocates.

For the Respondents
1 to 5 ... Mr. Aswini Kumar Misra,
Sr. Standing Counsel (CAT)

For the respondent No. 6 ... M/s. Devanand Misra,
Deepak Misra,
R. N. Naik, A. Deo,
B. S. Tripathy, P. Panda,
Advocates.

C O R A M:

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

A N D --

THE HONOURABLE MR. N. SENGUPTA, MEMBER (JUDICIAL)

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

N. SENGUPTA, MEMBER (J) The applicant's case is that he was appointed as an Extra-Departmental Delivery Agent in the place of a regular employee who was put off duty. After that person joined, his services as Extra-Departmental Delivery Agent came to an end on 8.8.1988. Thereafter an advertisement was made for the post of Extra-Departmental Mail Carrier of

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Damasahi Branch Post Office. Respondent No.6 suppressing certain material facts ~~got~~ an order of selection in his favour.

2. We have heard Mr. Biswajit Mohanty, learned counsel for the applicant, Mr. Aswini Kumar Misra, learned Senior Standing Counsel (CAT) for the respondents 1 to 5 and learned counsel for Respondent No.6 in the matter. During the course of arguments it has come to be rather admitted that the Department i.e. Respondent No.3 has cancelled the order of selection of Respondent No.6. The applicant has prayed for the reliefs of quashing the appointment of Respondent No.6 as Extra-Departmental Mail Carrier of Damasahi Branch Post Office and for a direction to Respondents 1 to 4 to appoint him (the applicant) as Extra-Departmental Mail Carrier of the said Branch Post Office. Since the selection of Respondent No.6 has been cancelled in the meantime, (Annexure-R/10), prayer No.A. has become infructuous.

3. Mr. Mohanty, learned counsel for the applicant has very strenuously contended that the Respondents 1 to 5 be directed to consider the experience of the applicant as an Extra-Departmental agent while selecting a person for the post of Extra-Departmental Mail Carrier of Damasahi Branch Post Office. What is provided for under the Rules needs no ~~debates~~ ^{direction}. The Rules provide for taking into account the past experience and other allied factors in selecting a candidate. This Tribunal is not the selecting agency. So it will be futile exercise to express any

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opinion about the desirability of the applicant being selected.

4. The case is accordingly disposed of. No costs.

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Member (Administrative)

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Member (Judicial)



Central Administrative Tribunal,
Cuttack Bench, Cuttack.
March 13, 1991/Sarangi.