

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.60 of 1990.

Date of decision: November 15, 1990.

Akshaya Kumar Patra ... Applicant.

Versus

Union of India and others ... Respondents.

For the applicant... M/s.Devanand Misra,
Deepak Misra,
R.N.Naik, A.Deo, 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.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.

J U D G M E N T

B.R.PATEL, VICE-CHAIRMAN, In this application, a request has been made to issue a direction quashing the notice dated 24.1.1990 issued by the Sub-Divisional Inspector (Postal), Rourkela West Sub-Division inviting applications from the intending candidates for the post of Extra-Departmental Transport Mail Peon (E.D.T.M.P.) Rourkela-Koira line vide Annexure-6. This case is a sequel to the one we decided on 8.11.1989 in O.A.255 of 1989. In that case we ordered as follows:

End

(12)

" As such the order of appointment of respondent no.5, vide Annexure-4 is quashed and the competent authority is hereby directed to consider the case of the applicant along with all other eligible candidates afresh and select a candidate most suitable for the post."

There is no ambiguity in the order as to what candidates will be considered. All those who were the candidates and had the eligibility on the date this order was passed i.e. 8.11.1989 should alone ^{to} be considered along with the applicant in that case who is the applicant in this case also. In response to the open advertisement at that time 37 applications were received for the post as is apparent from the counter affidavit filed by the respondents.

2. We have heard Mr. Deepak Misra, learned counsel for the applicant and Mr. Aswini Kumar Misra, learned Senior Standing Counsel (CAT) for the respondents. The ~~selection~~ should have been confined to those 37 candidates and the applicant. To issue another advertisement inviting fresh applications is therefore, beyond what we intended in the order ^{passed} in the case referred to above. We would, therefore hold that the order issued vide Annexure-6 is ~~not~~ in accordance with the judgment in O.A.255 of 1989 and as such, Annexure-6 is quashed. It is reiterated that the case of the applicant should be consieered along with 37 persons who had applied in response to the previous notice.

3. This application is accordingly disposed of.
No costs.

Member (Judicial)
.....15/11/90.
Central Admn. Tribunal,
Cuttack Bench, Cuttack.
November 15, 1990/SARANGI.



Vice-Chairman
.....15.11.90.