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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 9 of 1991

Date of Decision : 6-2-1992.

Purusottam Dash ... Applicant

Versus

Union of India & Others Respondents

For the applicant

Mr.H.P.Rath,
Advocate

For the respondents

Mr.A.K.Mishra,
Standing Counsel
(Central Govt.)

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C O R A M

HON'BLE MR. K.P.ACHARYA, VICE-CHAIRMAN

AND

HON'BLE MR. J.C. ROY, MEMBER (ADMINISTRATIVE)

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1. Whether reporters of local newspapers may be allowed to see the judgment ? Yes
2. To be referred to reporters of not ? No.
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 for a direction to the opposite parties to appoint the petitioner permanently as E.D.B.P.M., Kadalibana Branch Post Office.

2. Shortly stated, the case of the petitioner is that he was provisionally appointed as E.D.B.P.M. of Kadalibana Branch Post Office on 12th June, 1989 and he took charge of the said post office and has been working as such for a very long time. Grievance of the petitioner is that as yet he has not been regularised. Hence this application has been filed with the aforesaid prayer.

3. In their counter opposite parties maintain that there was no ~~alternative~~ for the opposite parties but to terminate the services of the petitioner Shri Purusottam Dash because of the judgment passed by this Bench in O.A. 445 of 1989 in which the petitioner K.M. Anand Prasad challenged the appointment of Shri Purusottam Dash. Due to the pendency of O.A. 9 of 1991 no further steps could be taken ~~to~~ to implement the judgment passed in O.A. 445 of 1989. Misc. Application No. 273 of 1991 has been filed by the said K.M. Anand Prasad - petitioner in OA 445 of 1989 praying for a direction to the opposite parties to implement the judgment passed in OA 445 of 1989.

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4. We have heard Mr.H.P.Rath, learned counsel for the petitioner in O.A. 9 of 1991 and we have also perused the contents of the Misc.application No.273 of 1991, and we have heard Mr.A.K.Mishra, learned Standing Counsel for the Central Government in both the cases.

5. We find from the records and also during the course arguments advanced in this case and so also the judgment passed by this Bench in OA No.445 of 1989 that selection and appoingment of Opposite Party No.4 (Shri Purusottam Dash) in O.A. 445 of 1989 and petitioner in O.A. 9 of 1991 has been quashed by this Bench in its judgment dated 12th November, 1990. The Bench observed as follows :

" We would quash the selection and direct reconsideration of the cases of the applicant (K.M.Anand Prasad & O.P.No.4, present petitioner in OA 9/91) for appointment as E.D.B.P.M., Kadaliban".

In view of the above quoted directions of this Bench, the opposite parties had no other option but to terminate the services of the present petitioner Shri Purusottam Dash contained in Annexure-R/1 dated 8.1.1991(which has not been disclosed by the petitioner Shri Purusottam Dash in his petition). We are also bound by the directions given by the previous Bench in its judgment passed in OA 445 of 1989. Therefore instead of issuing anyother direction for regularisation of the petitioner, we would direct that judgment

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passed in O.A. 445 of 1989 be implemented viz. cases of the petitioner Shri Purusottam Dash in O.A. 9 of 1991 and the petitioner K.M. Anand Prasad in OA 445 of 1989 be considered afresh and we would further direct that any observations made by this Bench or the previous Bench (while disposing of OA 445 of 1989) should not weigh with the concerned authority who is free to exercise his discretion according to law and select a suitable candidate for the post of E.D.B.P.M., Kadaliban.

5. We hope and trust ~~that~~ this matter will be finalised within sixty days from the date of receipt of a copy of this judgment. Thus Original Application No. 9 of 1991 and Misc. Application No. 273 of 1991 are accordingly disposed of. No cost.

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MEMBER (ADMINISTRATIVE)

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VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench, Cuttack
Dated the 1992/ B.K. Sahoo