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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH : CUTTACK

Original Application No. 133 of 1991

Date of Decision 6. 2. 1992

Jayakrushna Biswaray Applicant

Versus

Union of India & Others Respondents

For the applicant M/s. Deepak Mishra,  
A. Deo, R. N. Naik,  
D. K. Sahoo,  
P. Rout

For the respondents M/s. A. K. Mishra,  
Standing Counsel  
(Central Govt.)

For the Opposite Party No. 5 M/s. S. K. Mohanty,  
S. P. Mohanty &  
Smt. Rati Mohanty  
Advocates

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C O R A M

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

AND

HON'BLE MISS. USHA SAVARA, MEMBER (ADMINISTRATIVE)

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1. Whether the reporters of local newspapers may be allowed to see the judgment ? Yes
2. To be referred to reporters or 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, With the consent given by the counsel for for both sides we have heard this case on merits and we propose to dispose of this case finally.

2. The petitioner Shri Jayakrushna Biswaray was acting as an EDBPM of Garh Rupash Branch Post Office from 9.1.1984 to 8.6.1979, and Shri Biswaray vacated the office because the regular incumbent was reinstated to the said post. In the meanwhile there was a vacancy of EDBPM in village Junei to which the petitioner belongs. The petitioner made a representation for his appointment as EDBPM to the said post office. To fill up the vacancy, the competent authority had invited applications from the open market and some names were also sponsored by the Employment Exchange. Grievance of the petitioner Shri Biswaray is that even though he had filed a representation for appointment to the said post, his case was not at all considered, though other candidates had been considered. Shri Biswaray has come up with this application with a prayer to give appropriate directions to the competent authority for appointing him (the petitioner) in Junei Branch Post Office.

5. Opposite party No.5 Shri Gadadhar Baral is now acting as a substitute in the said post office and his name has been sponsored by the Employment Exchange. The case set up by UP No.5 is that since he is a substitute  
V.N.

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 working as ~~Dep~~ B.P.M. in the said post office, he should be appointed <sup>in</sup> to the said post office and that the case of the petitioner Shri Biswaray does not deserve consideration, because neither his name has been sponsored by the Employment Exchange, nor he is one of the applicants

4. We have heard Mr. R. N. Naik, learned counsel for the petitioner and Mr. A. K. Mishra, learned Standing Counsel for the Central Government and Mr. S. P. Mohanty, learned counsel for Opposite Party No.5. After giving our anxious consideration to the arguments advanced by them, we are of opinion that cases of all those persons sponsored by the Employment Exchange and the applicants from the open market including Shri Gadadhar Baral (OP No.5) and that of the present petitioner Shri J. K. Biswaray be considered by the competent authority for appointment to the post of EDBPM, Junei and after adjudication of suitability, the appointment be issued in favour of person who is found to be suitable. We hope and trust that this matter will be finalised within sixty days from the date of receipt of a copy of this judgment. Experience gained by the petitioner and Opposite Party No.5 will be taken into consideration. Thus the application is accordingly disposed of leaving the parties to bear their own costs.

*b. Sahoo*  
 MEMBER (ADMINISTRATIVE)

*b. Sahoo*  
 VICE-CHAIRMAN

Central Administrative Tribunal  
 Cuttack Bench, Cuttack  
 dated the 6th February, 92 / Sahoo