

3

2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 140 of 1991

DATE OF DECISION: AUGUST 23, 1993

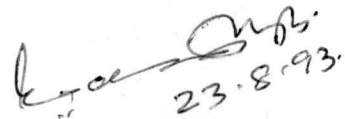
Nirakar Dash ... Applicant
Versus
Union of India & others ... Respondents

(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters or not? NO
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? NO


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

23 AUG 93


(K.P. ACHARYA)
VICE CHAIRMAN

4

M

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH;CUTTACK

Original Application No.140 of 1991

Date of decision: August 23, 1993

Nirakar Dash ... Applicant

-Versus-

Union of India & Others ... Respondents

For the Applicant ... Mr.D.P.Dhalsamant, Advocate

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

C O R A M:

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

A N D

THE HONOURABLE MR.H.RAJENDRA PRASAD, MEMBER (ADMN.)

J U D G M E N T
=====

K.P.ACHARYA, V.C.

In this application under section 19 of the Administrative Tribunals Act, 1985, appointment of opposite party No.4 is under challenge.

2. Opposite Party No.4 has been appointed provisionally as Extra Departmental Branch Post Master of Khajuria Branch Post Office in the District of Dhenkanal. Petitioner was held to be unsuitable on the ground that he had incurred certain loan and had not disclosed the same. Besides this only ground, nothing has been held against the petitioner to be unsuitable. After hearing Mr.Dhalsamant learned counsel appearing for the petitioner and Mr.Aswini Kumar Misra, learned Standing Counsel (CAT), we are of opinion

that ~~not~~ ^{non} disclosure of a loan incurred by any applicant in the post of Extra Departmental Branch Postmaster does not make him unsuitable. This consideration on the part of the competent authority is not justifiable under the law. The Petitioner had no obligation under the rules to disclose the loan incurred by him. Therefore, selection of Opposite Party No.4 is hereby quashed and it is directed that afresh selection be conducted considering the cases of petitioner and Opposite Party No.4 and others who had applied earlier. Thereafter the competent authority would reassess the entire matter and come to a finding as to who is suitable for the post in question. Whoever is found to be suitable, order of appointment should be issued in his/her favour. Till finalisation of the process of selection, Opposite Party No.4 should be allowed to continue.

3. Thus, the application is accordingly disposed of leaving the parties to bear their own costs.

.....
Member (Administrative)

23 Aug 93

.....
Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench, Cuttack/K. Mohanty/
23.8.93.

