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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH CUTTACK

Original Application No. 178 of 1991

Date of Decision: 17.2.1994

Upendranath Rout

Applicant(s)

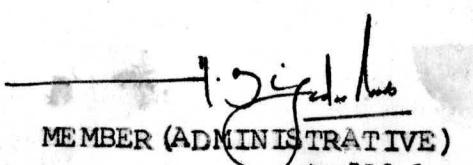
Versus

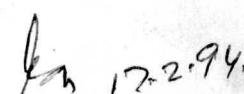
Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

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

  
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MEMBER (ADMINISTRATIVE)  
17 FEB 94

  
17.2.94.  
VICE-CHAIRMAN

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## Versus

Union of India & Others

## Respondents

For the applicant

M/s. Devanand Misra  
Deepak Mishra  
A. Deo, P. Panda,  
B. S. Tripathy,  
Advocates

For the respondents 1 - 4

Mr. P. N. Mohapatra,  
Standing Counsel,  
Central Government

For the respondent 5

M.S.A.K.Mishra,  
S.K.Das  
S.B.Jena,  
Advocates

C O R A M:

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

AND

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

## JUDGMENT

MR. K. P. ACHARYA, VICE-CHAIRMAN: In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner prays for an order quashing the decision contained in Annexure-3 and the order passed vide Annexure-5, and a further direction be issued to the opposite parties not to ask the applicant to hand-over <sup>the</sup> charge till he completes his tenure as Sub-Inspector, Stores.

2. Shorn of unnecessary details, it would suffice to say that a store depo<sup>of</sup> of the Tele-communication Department was opened at Bhadrak<sup>in</sup> order to man the post of

Sub-Inspector, Stores, a stop-gap-arrangement was adopted and applications were invited from intending candidates for a single post of such nature, and candidature of the different applicants was considered by the competent authority and OP No.5, Shri Pratap Chandra Jena was found to be suitable. Hence order of appointment was issued in favour Shri Pratap Chandra Jena.

3. This matter came up before this Bench on 25th June, 1991 and the Division Bench stayed operation of Annexures 3 and 5, viz. appointment of Shri Pratap Chandra Jena (OP No.5) and the guidelines issued under Annexure-3 for appointment of suitable candidates for the post in question. It is most astonishing and amazing that neither the departmental authorities nor OP No.5 thought it best and proper to get the stay order vacated or for expeditious hearing and disposal of the case. Now the petitioner is continuing as Sub-Inspector, Stores, and the regularly selected person, Viz. OP No.5 Shri Pratap Chandra Jena has not been given the job in question.

4. After hearing learned counsel for the petitioner Mr. P. N. Mohapatra, learned Standing Counsel appearing for the Opposite Party Nos. 1 to 4 and Mr. Aswini Kumar Mishra, learned Counsel appearing for OP No.5, we find that this application itself is a frivolous one, because, regularly selected person has been made to stand on the street. Since the appointment of the petitioner was purely a stop-gap-arrangement, his claim for being retained in the post till the tenure period is over is inconceivable.

Therefore, while vacating the stay order, we would hold that the case is completely devoid of merits, and hence dismissed leaving the parties to bear their own costs.

5. It is directed that order of appointment be issued immediately in favour of Shri Pratap Chandra Jena (OP No.5) and he may be allowed to join. This should be done within 10 days from the date of receipt of a copy of the judgment.

1.2.94  
MEMBER (ADMINISTRATIVE)

21 FEB 94  
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*Handwritten signature*  
VICE-CHAIRMAN

Central Administrative Tribunal  
Cuttack Bench Cuttack  
dated the 17.2.1994/ B.K. Sahoo