

4

(12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.20 OF 1991

Cuttack this the 9th day of December, 1994

Mahadeb Pradhan ... Applicant.

Vrs.

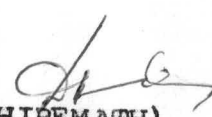
Union of India and others ... Respondents.

(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 *no* not ?


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

09 DEC 94


(D.P. HIREMATH)
VICE-CHAIRMAN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK.

Original Application No.20 of 1991

CORAM :

THE HONOURABLE MR.D.P.HIREMATH, VICE-CHAIRMAN
&
THE HONOURABLE MR.H.RAJENDRA PRASAD, MEMBER(ADMN.)

..

Mahadeb Pradhan, aged about 30 years,
son of Gokula Pradhan, At and P.O.
Palaspat, Via-Boudh, Dist-Phulbani

... Applicant.

By the Advocates

...

M/s Devanand Misra,
Deepak Misra, A.Deo &
B.S.Tripathy.

Vrs.

1. Union of India, represented
by its Secretary, Department of Posts,
Dak Bhavan, New Delhi.
2. Chief Postmaster General, Orissa,
At/P.O-Bhubaneswar, District-Puri.
3. Director of Postal Services,
At/P.O-Berhampur, District-Ganjam.
4. Superintendent of Post Offices,
Phulbani, P.O/Dist-Phulbani.
5. Surendra Pradhan,
son of Niranjana Pradhan,
At/P.O-Palaspat, Via-Boudh,
District-Phulbani

...

Respondents.

By the Advocate

...

Mr.Aswini Kr.Misra.
M/s.P.V.Ramdas
B.K.Panda, D.N.Mohapatra &
M.B.K.Rao.
(For Respondent No.5)

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6.

(14)

D.P.HIREMATH, VICE-CHAIRMAN The applicant has prayed for a direction to set aside the order under Annexure-3, a further direction to the respondents to finalise the case of cancellation of appointment of the respondent No.5 as his selection was cancelled earlier, and a further direction to scrutinise the process of selection as a decision has been taken to scrutinise, etc. There was an advertisement calling for applications for appointment as E.D. Branch Post Master, Palaspat in the district of Phulbani and both the applicant as well as the respondent No.5 had applied for the post. On 28.12.1987 the Sub-Divisional Inspector(Postal) sent a letter that the respondent No.5 may be appointed. But, however, when he went to join the post, it was found that the order of appointment was cancelled. The applicant contends that the respondent No.5's name was not sponsored by the Employment Exchange, but still he was appointed. When the applicant's name was clear for appointment and he was appointed, O.A.No.285 of 1988 came to be filed by the respondent No.5 before this Tribunal, and the Tribunal ordered that the cancellation of appointment of the respondent No.5, who was applicant therein, was not legal.

↪ A review petition came to be filed by the present applicant in R.A.No.11 of 1990 and a separate


7

(15)

application also came to be filed by him ~~as~~^{at} O.A.No.202 of 1990, and while disposing of both of them this Tribunal ordered on 23.10.1990 that if proper procedure was followed in selecting a candidate for the said post, it should be stuck to and if not, the Department would be at liberty to select afresh. It is now contended in this application by the respondents that after a copy of this judgment was received, they found that proper procedure was not followed.

In the present application in which the subject-matter is Annexure-3, the applicant is aggrieved by the order that his appointment has been cancelled. He has been directed to hand over the charge to the Mail Overseer by the order dated 17.12.1990(Annexure-3). It appears that the other contender, namely, Shri Surendra Pradhan (respondent No.5) is not continuing as E.D.Branch Post Master. It thus emerges that ever since the selection was made, both the applicant and the respondent No.5 are vying with each other for the said post and when it is clearly stated that no proper procedure was followed in the selection as observed by this Tribunal as stated above, the only course open would be to direct a fresh selection by giving as wide publicity as possible in order to avoid unhealthy

allegations by these two contenders against each other and even against the departmental officers. Accordingly, while disposing of this application, we direct that fresh selection shall be made by following the procedure now laid down and by calling for applications from the Employment Exchange and also from open market by giving wide publicity and even the present applicant and the respondent No.5 shall be entitled to apply and shall also be entitled to be considered along with others. The entire process of selection shall be over within sixty days from the date of receipt of copy of this order. No order as to costs.


MEMBER (ADMINISTRATIVE)

09 DEC 94


VICE-CHAIRMAN

A.N.Nayak, P.S.