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CENTRAL ADMINISTRATIVE TRIBUNAL  
Guttag Bench, Cuttack.

Original Application No: 251 of 1991

Date of decision: April, 22, 1992.

Ashok Kumar Panda

.. Applicant ..

Versus

Union of India and others

.. Respondents

For the applicant

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

For the Respondents  
1 to 4

.. Mr. Aswini Kumar Misra,  
Sr. St. Counsel.

For the Respondent No.5

.. M/s. S.K.Mohanty and  
S.P.Mohanty, Advocates.

..  
CGRAM:

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

A N D

THE HONOURABLE MR. C.S. PANDEY, MEMBER (ADMINISTRATIVE)

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1. Whether reporters of local papers may be allowed to see the judgment? Yes.
2. To be referred to the reporters or not? No.
3. Whether Their Lordships wish to see the fair copy of the judgment? Yes.

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JUDGMENT

K.P. ACHARYA, V.C. The selection of the Petitioner as Extra Departmental Packer of Joradagada Sub Post Office has been cancelled by virtue of the order passed by the Chief Post Master General, Orissa Circle who found an irregularity to have been committed by the appointing authority in appointing the petitioner to the said post on the ground that the Petitioner was a good sports man. Hence this application has been filed to quash the order terminating the services of the Petitioner. In the meanwhile Opposite Party No.5 has been appointed on provisional basis.

2. We have heard Mr. R.N. Naik learned Counsel appearing for the petitioner, Mr. Aswini Kumar Misra learned Standing Counsel for the respondent Nos.1 to 4 and Mr. S.P. Mohanty learned Counsel for Opposite Party No.5.

3. Mr. Naik learned Counsel for the Petitioner submitted that in the present days sports man are being given preference to encourage the sports of the country <sup>and</sup> therefore, rightly the appointing authority had selected the petitioner. Mr. Naik while making this submission has completely forgotten the relevant provisions of the rules which envisages that certain criterias are to be adopted in the matter of appointment of E.D.Packer and nowhere in the rules, it has been stated that a sports man will get preference. Therefore, we do hereby confirm the order of Chief Postmaster General and hold that he was perfectly justified in ordering cancellation of the appointment of the Petitioner. We direct that the process of <sup>fresh</sup> selection be made by the competent

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authority considering the case of all the candidates sponsored by the employment exchange and applications which have been received from open market including that of the petitioner and Opposite Party No.5. Whoever is found to be suitable by the competent authority keeping the rules in view may be appointed and pending final appointment, Opposite Party No.5 will continue to act as E.D.Packer which was the order passed while disposing of Misc. Case No.160 of 1992. We hope and trust the final selection will be completed within 90 days from the date of receipt of a copy of the judgment. The competent authority is at liberty to come to his own independent conclusion without being influenced by the order passed in this case.

4. Thus, the application is accordingly disposed of.  
No costs.

*G. Mohanty*  
22.4.92  
MEMBER (ADMINISTRATIVE)

*L. S. D'S.*  
22.4.92  
VICE CHAIRMAN



Central Administrative Tribunal  
Cuttack Bench, Cuttack/K.Mohanty  
22.4.1992.