

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

5

Original Application No. 259 of 1991

Date of Decision: 20.1.1993

Brahmananda Mishra Applicant

Versus

Union of India & Others Respondents

For the applicant M/s. G.K. Mishra
R. Roy
K. Swain,
Advocates

For the respondents Mr. Asini Kumar Mishra,
Standing Counsel
(Central Government)

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C O R A M:

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

AND

THE HONOURABLE MR. S. R. ADIGE, 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, The petitioner was appointed as Extra Departmental Mail Carrier on 13.6.1989 at Kantapara Branch Post Office. He continued as such till 22.8.1990. Thereafter his services were dispensed with. Hence this application has been filed with a prayer to order regularisation of his services and to restrain the opposite parties from publishing any advertisement calling for intending candidates to file their applications to fill up the post of E.D.M.C. of Kantapara Branch Post Office on regular basis.

2. In their counter the opposite parties maintain that the Opposite Party No.4 invited applications for consideration of suitable candidates for appointment to the post in question and the petitioner is one of those intending candidates whose case is being considered. But no final orders have been passed, because the original application bearing No. 259 of 1991 is pending determination by this Tribunal.

3. We have heard Mr.G.K.Mishra, learned counsel for the petitioner and Mr.Aswini Kumar Mishra, learned Standing Counsel. Question of giving a direction for regularisation of the services of the petitioner does not arise in view of the judgment ~~laid down~~ ^{passed} by Their Lordships of the Supreme Court reported in A.I.R. 1992 SC 2070 and A.I.R. SC 2130. Therefore contention of Mr.G.K.Mishra, learned counsel for the petitioner on this point stands overruled. Lastly it was contended by Mr.Mishra that the case of the petitioner should be considered. This is a very reasonable request.

In the counter it is stated that the case of the petitioner

77

along with seven others is under consideration and no final order of appointment has been issued because of pendency of this original application. Therefore in such circumstances we do not feel ^{any} necessity of issuing any further directions. All that we would say is Opposite Party No.4 is at liberty to consider the cases of all those seven candidates including that of the petitioner, and whosoever is found to be suitable, order of appointment be issued in his/her favour.

4. Thus the application is accordingly disposed of leaving the parties to bear their own cost.

Ansrig- 20.1.93
MEMBER (ADMINISTRATIVE)

Ansrig- 20.1.93
VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench, Cuttack
dated the 20.1.1993/ BK. Sahoo

