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2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 309 of 1991.

Date of decision : 13th December, 1993.

Madhabananda Debata ... Applicant.

Versus

Union of India and others ... Respondents.

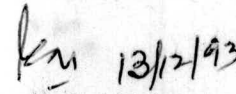
(FOR INSTRUCTIONS)

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




(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

13 Dec 93


(K. P. ACHARYA)
VICE-CHAIRMAN.

8

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For the applicant ... M/s. B. L. N. Swamy,
B. V. B. Das,
S. Debata, Advocates.

For the respondents ... Mr. U. B. Mohapatra,
Addl. Standing Counsel (Central)

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, the applicant prays that the order appointing ^{the} Respondent No. 3 to the post of Extra-Departmental Branch Post Master should be quashed and ~~for~~ a declaration that the applicant is entitled to continue in service and accordingly a direction be given to ^{the} Respondents 1 and 2 to appoint the applicant to the post of Extra-Departmental Branch Post Master, Gudarpali Post Office.

2. Shortly stated, the case of the applicant is that he was provisionally selected for the post of Extra-

12

Departmental Branch Post Master, Gudarpali Branch Post Office and accordingly he was given an appointment on temporary basis vide Annexure-1, dated 29.4.1991. While regular selection process was undertaken the case of the applicant along with others including the Respondent No.3 was considered and ultimately the applicant believes that he has not been selected. Hence, this application has been filed with the aforesaid prayer.

3. In their counter, the respondents maintained on receipt of the requisition, the Junior Employment Officer, Padampur had sponsored names of candidates for consideration for regular selection of Extra-Departmental Branch Post Master of Gudarpali Branch post Office. The matter is under consideration and since the applicant is a temporary appointee he has no right to claim permanency in respect of the said post. Hence, the case being devoid of merit is liable to be dismissed.

4. We have heard Mr. B.L.N. Swamy, learned counsel for the applicant and Mr. U.B. Mohapatra, learned Addl. Standing Counsel (Central) for the respondents.

5. We have given our anxious consideration to the arguments advanced at the Bar. In our opinion, filing of this application is premature. No final orders have been passed as neither parties have come up with any such case. We would therefore, direct that in case the Respondent No.3 has already been appointed, adjudicating suitability in his favour, the applicant should deliver



charge of the Post Office to Respondent No.3 as has been ordered on 14.11.1991 dismissing the prayer of the applicant for issuance of the interim orders. In case, final selection has not been made it should be done, within 15(fifteen) days from the date of receipt of a copy of this judgment and he whosoever would be found to be suitable shall be appointed.

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

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MEMBER (ADMINISTRATIVE)
13 Dec 93

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VICE-CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench, Cuttack,
December 13, 1993/Saranghi.

