

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH;CUTTACK.

O. A.No. 380 of 1991

Cuttack the 8th day of May, 1995.

Shri Baishnab Pani

...

Applicant

Versus

Union of India & Others

...

Respondents

(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters or not? *W*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not?

H. Rajendra Prasad
(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

D.P. Hiremath
(D.P. HIREMATH)
VICE CHAIRMAN

08 MAY 95

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH;CUTTACK

O. A. 380 OF 1991

Cuttack the 8th day of May, 1995.

CORAM:

THE HON'BLE MR.JUSTICE D.P.HIREMATH, VICE CHAIRMAN
AND
THE HON'BLE MR. H.RAJENDRA PRASAD, MEMBER (ADMN.)

Shri Baishnab Pani,
S/o-late Nilakanta Pani,
At/Po-Sikrida, Via-Nuagaon,
Dist-Puri. Applicant

By the Advocate ... M/s. S. Mishra-2, A.K. Misra,
R.C.Rath, A.K. Nayak,
A.Mohanty, Advocates.

Versus

- 1) Union of India,
represented by the Secretary,
Ministry of Communication,
New Delhi.
- 2) Post Master General, Orissa Circle,
At/Po-Bhubaneswar Dist-Puri.
- 3) Senior Superintendent of Post Offices,
At/Po-Puri, Dist-Puri.
- 4) Sri Sukadev Naik,
S/o- Shri Raghunath Naik,
At/Po-Sikrida, Via-Nuagaon,
Dist-Puri. ... Respondents

By the Advocate ... Mr. Aswini Kumar Mishra,
Senior Standing counsel (Panel)
for Respondent Nos.1 to 3.

By the Advocate ... M/s. C.M.K. Murty, S.K. Rath,
for Res.No.4.

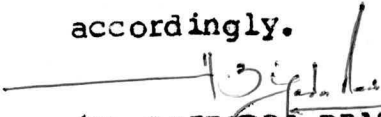
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O R D E R

D.P.Hiremath, V.C.

The applicant herein has challenged the appointment of Respondent No.4 as Extra Departmental Branch Post Master by the order of appointment dated 19th January, 1990. He contended in the application that Respondent No.4 cannot stand a better chance in view of his own merit. The learned counsel for the petitioner during argument does not dispute that the appointment of the respondent no.4 is in order and he is more meritorious than the applicant. That being so, there is no need to consider the allegations made in the petition as well as in the counter filed by the respondents. However, the petitioner in alternative has prayed for payment of his salary for the period he has worked i.e. from 1.11.1991 to 12.12.1991. In view of this position, the prayer for setting aside the appointment of respondent no.4 is rejected. But Respondent Nos.1 to 3 are directed to make payment of whatever salary was due to the petitioner for the period between 1.11.1991 to 12.12.1991 and having calculated the same make payment within 60 days from the date of receipt of a copy of this order. No order as to costs. Application is disposed of accordingly.


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

08 MAY 95


(D. P. HIREMATH)
VICE CHAIRMAN

KNM, CM