

5

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO.385/91
Cuttack, this the 22nd day of May, 1995

Ananda Chandra Behera ... Applicant.

-versus-

Union of India and 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 Tribunal
 or not? w


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

22 MAY 95


(D.P. HIREMATH)
VICE-CHAIRMAN

...

6

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO.385 OF 1991
Cuttack, this the 22nd day of May, 1995

CORAM:

THE HONOURABLE SHRI JUSTICE D.P.HIREMATH, VICE-CHAIRMAN
AND
THE HONOURABLE SHRI H.RAJENDRA PRASAD, MEMBER (ADMN.)

...

Ananda Chandra Behera,
aged about 36 years,
son of Maheswar Behera,
resident of village and P.O.Nimani,
Via-Bhapur, District-Puri

...

Applicant.

By the Advocates

-

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

-versus-

1. Union of India, represented by
its Secretary, Department of Posts,
Dak Bhavan, New Delhi.
2. Chief Post Master General, Orissa Circle,
At/P.O-Bhubaneswar, District-Puri.
3. Superintendent of Post Offices,
Puri Division, At/P.O/District-Puri.
4. Assistant Superintendent of Post,
Offices in charge of Khurda Sub-Division,
At/P.O-Khurda, District-Puri.
5. Shri Kelu Charan Swain,
aged about 22 years,
s/o Chakradhar Swain, At/P.O-Nimani,
Via-Bhapur, District-Puri.

By the Advocate

-

Mr.Aswini Kr.Misra.

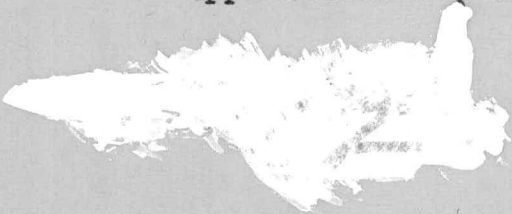
...

O R D E R

D.P.HIREMATH, VICE-CHAIRMAN

Heard both the learned counsel.

Though the petitioner worked for some time as a substitute, this Tribunal in O.A.No.276 of 1990, disposed of on 3.12.1990, made a direction that his case should be considered along with other candidates sponsored by the Employment Exchange for the post of E.D.B.P.M if the resignation said to have been tendered by the incumbent has been accepted by the Department. The petitioner seeks appointment to the post of E.D.B.P.M in preference to respondent no.5. It is contended for the respondents that along with those sponsored by the Employment Exchange the applicant and others who also applied directly were considered and respondent no.5 was preferred and appointed in view of his educational qualification, income, etc., which at any rate were more than that of the petitioner. When Annexure-R/10 was confronted to the petitioner's counsel, he is not in a position to state how appointment of respondent no.5 becomes assailable. In our view, there is no irregularity or illegality in the appointment of respondent no.5 and the petitioner's application has no merit.

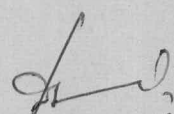


2. The applicant's alternative prayer, however, is that he should be directed to be paid the emoluments due to him for the period from 26.6.1989 to 7.6.1990 during which he served as a substitute. If the same have not been paid, the same shall be calculated at the rate permissible under the Rules and paid to him within 90 (ninety) days from the date of receipt of copy of this order.

3. With this direction, we dispose of the Original Application.


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

22 MAY 95


(D.P. HIREMATH)
VICE-CHAIRMAN

A. Nayak, P.S.