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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO: 463 of 1991

Date of decision: February 5, 1992.

BIKRAM OJHA

:APPLICANT

VERSUS

Union of India and others : Respondents

For the applicant: M/s B.K. Beura, A.C. Badi,
B.K. Biswal, Advocates

For the Respondents: Mr. A.K. Misra, Standing Counsel

CORAM:

THE HON'BLE MR. K.P. ACHARYA, VICE CHAIRMAN

A N D

THE HON'BLE MISS. USHA SAVERA, MEMBER (ADMINISTRATIVE)

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. In this application under Section 19 of the Administrative Tribunals act, 1985, the Petitioner Bikram Ojha prays for a direction to the Opposite Parties to appoint the Petitioner in the future vacancy of E.D.Delivery Agent in the Narasinghpur Post Office which will fall vacant on 1st February, 1992 on retirement of Shri P.Debata, E.D.D.A.

2. The Opposite Parties have filed their counter. The Opposite Parties stated in their counter that the Petitioner was temporarily appointed as E.D.D.A. in different Post offices at different intervals and ultimately vide Annexure-R/2, the Petitioner has been appointed as E.D.D.A. of Bandhahuda Post Office. Annexure- R/2 is dated 4th April, 1984.

3. Mr. B.K. Beura, learned Counsel for the Petitioner submitted that such appointment is not on regular basis but from the tenor of the language stated in Annexure-R/2, we are of opinion that the appointment is on regular basis otherwise the Department would not have directed the Petitioner to resign from the Post in which he was previously working. Mr. A.K. Misra learned Standing Counsel (CAT) also submitted that the contents of Annexure-R/2 sufficiently indicates that
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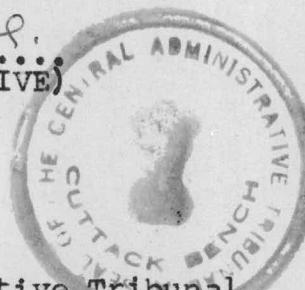
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the appointment is on regular basis. However, it is directed that in case the appointment of the Petitioner in Bandhahuda Post Office as EDDA is not on regular basis then his application for the Post of EDDA, Narasinghpur Post Office be considered alongwith other candidates and after adjudication of the suitability of a candidate appointment be issued in favour of the ^{Candidate} ~~Petitioner is~~ found to be suitable. In case the appointment of the Petitioner as EDDA in Bandhahuda Post office is on regular basis, the prayer of the petitioner ^{to} be considered _{his} ^{case} for Narasinghpur Post office stands dismissed.

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

M. Lawrence
MEMBER (ADMINISTRATIVE)

K. Mohanty
5/2/92
VICE CHAIRMAN



Central Administrative Tribunal,
Cuttack Bench, Cuttack/K. Mohanty,
5.2.92.