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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO: 478 OF 1991

DATE OF DECISION: SEPTEMBER 13, 1993

Shri G. N. Moharana Applicant
vs.
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 Central Administrative Tribunals or not? NO

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(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

13 SEP 93

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(K. P. ACHARYA)
VICE CHAIRMAN

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ORIGINAL APPLICATION NO: 478 OF 1991

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Shri G. N. Moharana Applicant
versus
Union of India and others Respondents
For the Applicant ... M/s Deepak Misra, A. Deo,
B. S. Tripathy, Advocates
For the Respondents ... Mr. Aswini Kumar Misra,
(Nos. 1 to 5) Standing Counsel (Central)
For the Respondent No. 6 ... M/s. Ashok Misra &
H. P. Rath,
Advocates.

C O R A M:

THE HONOURABLE MR. K. P. ACHARYA, VICE - CHAIRMAN
AND
THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

JUDGMENT

K. P. ACHARYA, V.C.

In this application under section 19 of the Administrative Tribunals Act, 1985, appointment of Opposite Party No. 6 is sought to be struck down.

2. Petitioner was one of the applicants for the post of Extra Departmental Branch Post Master of Pandigiri Sub post Office in the District of Ganjam. His name has been sponsored by the Employment Exchange. The competent authority invited applications from the Open Market and Opposite Party No. 6 was one

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of those applicants. Cases of all candidates who have applied alongwith Petitioner and Opposite Party No.6 were considered. Opposite Party No.6 was found to be suitable and hence order of appointment was issued which is sought to be challenged and quashed.

3. In their counter, the Opposite Parties maintained that the competent authority took into consideration all aspects in respect of each of the candidates and Opposite Party No.6 was rightly held to be suitable and therefore, appointment order was issued in favour of Opposite Party No.6 which should not be unsettled - rather it should be sustained.

4. We have heard Mr. Deepak Misra learned counsel for the Petitioner, Mr. Aswini Kumar Misra learned Standing Counsel (Central), and Mr. H. P. Rath learned counsel appearing for the Opposite Party No.6. Grievance of the petitioner is that the competent authority had committed an illegality by calling for applications from the Open market. The competent authority should have confined himself for consideration of the candidates sponsored by the Employment Exchange only. Therefore, consideration of the case of the Opposite Party No.6 was illegal and should be struck down. We are unable to accept the aforesaid submission of Mr. Misra because the Supdt. of Post offices invited applications from the open market for the

purpose of wider of the zone of consideration. That apart there is also no bar created ^{by} of any of the Rules of the Postal Department that applications from the open market shall not be invited. Therefore, we find no merit in this application which stands dismissed. There would be no order as to costs.

MEMBER (ADMINISTRATIVE)
13 SEP 93

leg. ass. Dr. B.
13.9.93

VICE-CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench, Cuttack/K. Mohanty
13th September, 1993.