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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 496 of 1991

Date of Decision 4.2.1992

Niranjan Pradhan Applicant

Versus

Union of India & Others Respondents

For the applicant M/s. Devanand Mishra,
Deepak Mishra,
R.N.Naik, A.Deo,
B.S.Tripathy,
P.Panda, Advocates

For the respondents M/s. A.K.Mishra,
Sr. Standing Counsel (CAT)

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C O R A M

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

AND

HON'BLE MISS.USHA SAVARA, MEMBER (ADMINISTRATIVE)

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1. Whether the reporters of local newspapers may be allowed to see the judgment ? Yes
2. To be referred to reporters or not ? No
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes

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JUDGMENT

MR. K. P. ACHARYA, VICE-CHAIRMAN, With the consent given by the counsel for both sides we have heard this case on merits as it needs expeditious disposal.

2. In this application under Section 19 of the Administrative Tribunals Act, 1985 the petitioner prays for a direction to the opposite parties not to terminate the services of the petitioner and/allow him to continue till the post is filled up in a regular manner, and further more it is prayed that the case of the petitioner should be considered for regular appointment and the departmental authority should take into account the services rendered by the petitioner.

3. Counter has not been filed and we have/granted adjournments for filing of counter, because the documents indicate that the facts are clear and practically admitted.

4. We have heard Mr. R. N. Naik, learned counsel for the petitioner and Mr. A. K. Mishra, learned Standing Counsel on the merits of the case. Vide Annexure-2 dated 17th December, 1991 (which is the order of appointment issued in favour of the petitioner) ^{if it} clearly states that the appointment of the petitioner is provisional and on adhoc basis and the petitioner should clearly understand that this appointment will be terminated when a regular appointment is made. Apprehension of the petitioner is
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that despite this condition laid down in the order of appointment, the Superintendent of Post Offices, Aska has appointed somebody else and has ordered termination of the services of the petitioner. While moving the Single Judge for issuance of interim orders, the Superintendent of Post Offices, Aska had personally appeared and he expressed that no such file either appointing somebody else or terminating the services of the petitioner is maintained in his office, and further more stated that the Superintendent of Post Offices has not passed any order terminating the services of the petitioner. This fact has been recorded on 20.1.1992 by the Single Judge. It was further stated by the Superintendent that he has no objection to the continuance of the petitioner till the final appointment is made.

5. In the light of the aforesaid facts and circumstances stated above, it is directed that the petitioner may continue till the final selection is made for the post of E.D.Packer, Bhanganagar Head Post Office and the case of the petitioner be considered, if he makes any application and the concerned authority may select the ~~suitability~~ of the candidate and pass orders according to law. Thus the application is accordingly disposed of leaving their parties to bear their own costs.

N. Sahoo
4.2.92
MEMBER (ADMINISTRATIVE)

K. Dasgupta
4.2.92
VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench, Cuttack
dated the 4th February, 92/Sahoo