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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

Original Application No. 516 of 1991

Date of Decision 1.5.1992

B.N. Naik

Applicant

Versus

Union of India & Others

Respondents

For the applicant

Ms.S.L.Patnaik,  
Advocate

For the respondents

Mr.A.K.Mishra,  
Standing Counsel  
(Central Government)

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C O R A M

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

AND

HON'BLE MR.C.S.PANDEY, 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 of 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, In this application under Section 19 of the Administrative Tribunals Act, 1985 the petitioner prays for a direction to the opposite parties to allow the petitioner to join as Extra Departmental Delivery Agent (Postman in Saluadhar Post Office) disallowing the unauthorised arrangement.

2. Shortly stated the case of the petitioner is that one Shri Santosh Mumar Patra was working as Extra Departmental Delivery Agent in Saluadhar Branch Office in the district of Mayurbhanj. Santosh Kumar was promoted to the post of Postman and since he availed leave from March, 1991, the petitioner worked as a substitute. Opposite Party No.5 called for names for consideration for appointment to the post of E.D.D.A., Saluadhar Post Office. The last date of receipt of application was 18.6.1991. The petitioner was one of the applicants. The petitioner was directed to submit his papers for verification and thereafter OP No.5 had finalised the selection and selected the petitioner for the post in question. OP No.4 is not allowing the petitioner to join the post in question. Hence this application has been filed with the aforesaid prayer.

3. In their counter the opposite parties maintain that the plea taken by OP No.4 that preference should<sup>not</sup>/be given to the petitioner because he belongs to the reserve category and was found to be incorrect and therefore the selection was cancelled and a fresh selection has been ordered.

4. This case came up for admission and hearing to-day and we have heard Ms.S.L.Patnaik, learned counsel for the

petitioner and Mr.A.K.Mishra, learned Standing Counsel for the Central Government.

5. From the records we find that cancellation of the selection of the petitioner is owing to the ban as stated by Mr.A.K.Mishra. Ms.Patnaik submitted that no recommendation was received from the Employment Exchange even though the Employment Exchange was requested to recommend the names of the candidates. Be that as it may, we do hereby confirm the order passed by the competent authority quashing the selection of the petitioner and we would direct that concerned Superintendent of Post Offices should give a requisition to the Employment Exchange inviting names of the candidates to fill up the post and he should also make an advertisement <sup>calling for applications</sup> from the open market and cases of all candidates including ~~that~~ of the petitioner should be considered and whoever is found to be suitable, appointment order should be issued in his/her favour. Thus the application is accordingly disposed of leaving the parties to bear their own costs.

*G. Bandyopadhyay*  
MEMBER (ADMINISTRATIVE)  
4/5/92



*K. S. Sahoo*  
1/5/92  
VICE-CHAIRMAN

Central Administrative Tribunal  
Cuttack Bench, Cuttack  
dated the 1st May, 1992/EK Sahoo