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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK.

Original Application No.144 of 1992.

Date of decision : July 9, 1992.

Kanakalata Nayak ... Applicant.

Versus

Union of India and others ... Respondents.

For the applicant ... Mr.D.P.Dhalsamant, Advocate.

For the respondents ... Mr.A.K.Misra,  
Sr.Standing Counsel (CAT)

...

C O R A M:

THE HONOURABLE MR. K. P. ACHARYA, VICE-CHAIRMAN

A N D

THE HONOURABLE MR. M. Y. PRIOLKAR, MEMBER (ADMN.)

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1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? *ND*
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

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...

J U D G M E N T

M. Y. PRIOLKAR, MEMBER (A), In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays for a direction to be issued to the respondents to absorb the applicant in the post of Extra-Departmental Branch Postmaster, Kamardihi within the district of Cuttack.

2. Shortly stated, the case of the applicant is that he has been working as Extra-Departmental Branch Post-master of Kamardihi Branch Post Office as a substitute of the regular Extra-Departmental Branch Post Master since 1984 during the intermittent periods whenever the regular E.D.B.P.M. remains on leave or till 28.2.1992 when the regular E.D.B.P.M. relinquished the said Office having tendered resignation. The said post of E.D.B.P.M. Kamardihi now remains vacant to be filled up. The prayer of the applicant

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is to order absorption of the applicant in regard to the said post.

3. This case has been listed for admission and hearing with due notice to the respondents. Mr. A. K. Misra, learned Senior Standing Counsel (CAT) prayed for an adjournment on the ground that some more time should be given to file counter. We did not feel inclined to accept this prayer because the facts are very simple and practically undisputed in nature, so we did not think it justifiable to keep the matter pending.

4. We have heard Mr. D. P. Dhalsamant, learned counsel for the applicant and Mr. A. K. Misra, learned Senior Standing Counsel (CAT) for the respondents on the merits of the case. After giving our anxious consideration to the arguments advanced at the Bar we direct that the case of the applicant be considered for the post of Extra-Departmental Branch Post Master, Kamardihi Branch Post Office along with other candidates if sponsored by the Employment Exchange and the candidates who have come from the open market, if any, regarding the suitability of each of the candidates and thereafter orders be passed by the competent authority in favour of such person who would be found to be suitable and competent. We hope and trust the experience gained by the applicant would be counted in favour of the applicant while adjudicating his suitability.

5. Thus, this application is accordingly disposed

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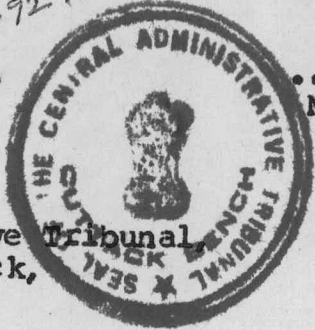
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of leaving the parties to bear their own costs.

*[Handwritten signature]*  
9.7.92.

.....  
VICE-CHAIRMAN



*[Handwritten signature]*  
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MEMBER (ADMN.)

Central Administrative Tribunal  
Cuttack Bench, Cuttack,  
July 9, 1992/Saranggi.