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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH:

Original Application No.342 of 1992.

DATE OF DECISION; JULY 21, 1993.

Jayamasi Topno

...

Applicant.

versus

Union of India and others ...

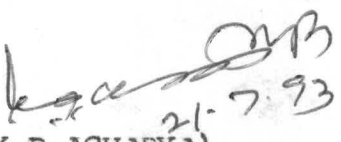
Respondents.

(FOR INSTRUCTIONS)

1. Whether it be referred to the Reporters or not ? *Ans*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not ? *Ans*


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

21 JUL 93


(K. P. ACHARYA)
VICE-CHAIRMAN.

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

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Date of decision : July 21, 1993.

Jayamasi Topno ... Applicant.

Versus

Union of India and others ... Respondents.

For the applicant ... M/s. R.K. Mohanty,
P.C. Acharya, Advocates.

For the respondents 1 to 6 .. Mr. Ashok Misra,
Sr. Standing Counsel (Central)

For the respondent No. 7 Mr. P.V. Ramdas, Advocate.

C O R A M:

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

A N D

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

J U D G M E N T

K. P. ACHARYA, V. C., The applicant was working as a substitute in regard to a post of Extra-Departmental Agent from 1.11.1991 to 5.3.1992. Regular selection process was undertaken in which the case of the applicant and Respondent No. 7 and others were considered and Respondent No. 7 was found suitable and hence appointed. This order is sought to be quashed.

2. In their counter, the respondents maintained that cases of all candidates were considered according to Rules and Respondent No. 7 having been found to be suitable was appointed. Such appointment should not be unsettled -

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rather it should be sustained.

3. We have heard Mr. P. C. Acharya, learned counsel for the applicant, Mr. P. V. Ramdas, learned counsel for Respondent No. 7 and Mr. Ashok Misra, learned Senior Standing Counsel (Central). Though Mr. Acharya argued with vehemence that the Respondent No. 7 does not belong to the post village we do not attach any importance because an Extra-Departmental agent need not belong to the post Village. Eventually, this post in question is meant for E.D. Agents on the R.M.S. side and in such cases, it is enough if the candidate belongs to any village in the area covered by the jurisdiction of the R.M.S. Division. Mr. Acharya further argued that the applicant is a scheduled caste candidate and preference should have been given to him. This aspect must have been considered by the concerned authority and whoever has been found to be suitable has been appointed. To add to all these we may say that there is no reservation quota for these nature of posts and therefore we find no merit in the aforesaid prayer of learned counsel for the applicant.

4. Lastly, it was contended by Mr. Acharya that he has received instructions from the applicant that Respondent No. 7 has resigned in the meanwhile and therefore, fresh selection process may be undertaken. In case, Respondent No. 7 has resigned, and his resignation has been accepted and in case, fresh selection process is undertaken, if the applicant is one of the applicants, then his case along with others be considered and he whoever is found suitable appointment letter may be issued in his favour. The fact that the applicant was a

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substitute and has worked for certain period, may be taken into consideration.

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

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MEMBER (ADMN.)

21 JUL 93

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VICE-CHAIRMAN.

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
July 21, 1993/Saranghi.