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Central Administrative Tribunal
Cuttack Bench:Cuttack

Original Application No.369 of 1992

Date of decision: August 28,1992

Pradipta Kumar Swain ... Applicant

Versus

Union of India and others ... Respondents

For the Applicant ... M/s S.Kr.Mohanty,
S.P.Mohanty,
Advocates

For the Respondents ... Mr. Aswini Kumar Mishra,Sr.St.
Counsel(C e n t r a l)

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CORAM:

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

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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?
3. Whether His Lordships wish to see the fair copy of the Judgment? Yes.

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JUDGMENT

K.P.ACHARYA, V.C.

In compliance with the order dated 11th August, 1992, the S.D.I.P. Shri B.B.Mohanty is present. The Senior Superintendent of Post Offices, Mr. P.K.Patnaik is also present.

2. The Petitioner Shri Pradipta Kumar Swain was admittedly appointed as E.D. Packer of Kasarda Sub Post Office. In course of time the Chief Post Master General reviewed the cases of all the applicants for the said post as he had received certain complaints. The Chief Post Master General came to the conclusion that some illegalities have been committed in the matter of appointment of Shri Pradipta Kumar Swain and therefore, the Chief Post Master General ordered cancellation of the appointment of Shri Pradipta Kumar Swain and directed that fresh selection be conducted according to Rules. In these circumstances, the S.D.I.P. rightly cancelled the appointment of Shri Pradipta Kumar Swain because he was bound by the orders passed by the higher authority. Hence this application has been filed to quash the order of termination.

3. Today I have heard Mr. S.K.Mohanty learned Counsel appearing for the Petitioner and Mr. Aswini Kumar Mishra learned Standing Counsel appearing for the Opposite Parties. I have also got the assistance of the Senior Superintendent of Post Offices Mr. Patnaik and S.D.I.P. Mr. Mohanty. It was told to me that fresh selection process has started. Names were called from the Employment Exchange

and since no names were sponsored, the concerned authority will now call for applications from the open market and it is hoped that the entire selection process will be completed within 90 days and orders will be passed in favour of the person found to be suitable. Therefore, liberty is given to the Senior Superintendent of Post Offices, Mr. Patnaik and the S.D.I.P. Mr. Mohanty to take further steps in this regard by calling for applications from the open market and I would further direct that the concerned employment exchange be requested to sponsor names of candidates who may be found to be fit for being sponsored. In case the Employment Exchange does not sponsor any names, the competent authority is at liberty to consider the applications of those persons received from the open market and adjudicate the suitability in favour of the person found to be suitable and issue order of appointment. I hope and trust this process will be completed within 90 days from today. Even if there is some little delay in receipt of the copy of this order by Senior Superintendent of Post Offices, Mr. Patnaik and the SDIP Mr. Mohanty, they are at liberty to proceed in the matter from tomorrow as they are present in court and have heard this order.

4. Grievance of Mr. S.K. Mohanty learned counsel appearing for the Petitioner is that the SDIP should not have asked any outsider to act as E.D. Packer as an interim measure. On the contrary since the petitioner was working as E.D. Packer as a stopgap arrangement, Shri Pradipta Kumar Swain Petitioner should have been allowed to act as E.D. Packer as a stopgap arrangement. It was admitted by the SDIP that after the termination order was passed against Shri P.K. Swain the SDIP

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has appointed one Shri Niranjan Malik. The SDIP could not give me a convincing reason as to why he appointed an outsider except that he told me he did not appoint Shri Pradipta Kumar Swain because his appointment had been cancelled by the Chief Postmaster General. If appointment of Shri Pradipta Kumar Swain would have been cancelled by the Chief Postmaster General on the ground of dishonesty or corruption, certainly I would not have given any direction in favour of the petitioner but as indicated above, the Chief Postmaster General had cancelled the appointment of the present petitioner due to some illegalities have been committed in the matter of entire selection. Therefore, it is directed that till final order is passed selecting the suitable candidate for the post of E.D.Packer, Kasarda Sub Post Office, Shri Pradipta Kumar Swain will continue as E.D.Packer as a stop gap arrangement and as soon as order of appointment issued in favour of the candidate found to be suitable and such candidate joins Shri Pradipta Kumar Swain will immediately vacate the post of E.D.Packer, if Shri Swain is not found to be suitable.

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

6. A copy of this order be made available to the SDIP Mr. B.B.Mohanty and copy of this order meant for the Senior Superintendent of Post Offices, Mr.P.K.Patnaik be also delivered to Mr. B.B.Mohanty, SDIP who in his turn will

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deliver the same to Mr.Patnaik ,Senior Superintendent of Post Offices. A copy of this order be made available to Mr.S.K.Mohanty learned counsel appearing for the Petitioner.

L. G. S. D. M. P.
28/8/92
VICE CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench/28.8.92/S.K.Mohanty.

