

4

(9)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 373 of 1992

Date of Decision: 22.2.1993

Gajendra Mahali

Applicant

Versus

Union of India & Others

Respondents

For the applicant

M/s. G.K. Mishra
K. Swain
G.N. Mishra
B.K. Raj
N. Pradhan,
Advocates

For the respondents No. 1 to 4

Mr. Ashok Mishra,
Standing Counsel
(Central Government)

For the respondent No. 5

M/s. Deepak Mishra,
A. Deo, R. Naik,
B.S. Tripathy,
P. Panda,
D.K. Sahu, Advocates

...

C O R A M:

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

...

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 His Lordship wishes to see the fair copy of the judgment ? Yes

...

5

10

JUDGMENT

MR.K.P.ACHARYA, VICE-CHAIRMAN, This case was listed for admission and hearing to to-day. With the consent given by the counsel for both sides, the case was taken up for hearing.

2. The petitioner Shri Gajendra Mahali being aggrieved for his non-appointment to the post of Extra Departmental Delivery Agent, Bodhapur Post Office had filed an application under Section 19 of the Administrative Tribunals Act, 1985, which had formed subject matter of Original Application No. 471 of 1990. This was disposed of on 14.2.1992. In the said judgment this Bench directed for fresh selection process to be undertaken and he whosoever is found to be suitable may be appointed to the post in question. ~~The same~~ Opposite Party No.5 has been appointed; and hence ~~the same~~ petitioner has filed this application to quash the order of appointment ^{issued} in favour of OP No.5.

3. After hearing Mr.K.Swain, learned counsel for the petitioner and Mr.Ashok Mishra, learned Standing Counsel and Mr.B.S.Tripathy, on behalf of Mr.Deepak Mishra, learned counsel appearing for OP No.5, I am of opinion that the selection of OP No.5 cannot be interfered with; and therefore, rightly Mr.Ashok Mishra suggested that the case of the petitioner could be considered if there occurs any future vacancy. I think this is a wholesome suggestion. Thus the application is accordingly disposed of with a direction to the Superintendent of Post Offices, Cuttack North Division, Cuttack to consider the case of the petitioner to accommodate him in any future vacancy. No cost.

Central Administrative Tribunal
Cuttack Bench, Cuttack
dated 22.2.1993/ B.K. Sahoo

h. a. S. MB
22/2/93
VICE-CHAIRMAN

CUTTACK BENCH
SEAL OF TRIBUNAL