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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 378 OF 1992.

Cuttack, this the 10th day of December, 1992.

Ashok Kumar Panda. ... Applicant.

- Versus -

Union of India & Others. ... Respondents.

(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters or not?
2. Whether it be referred to all the Benches of the Central Administrative Tribunal or not?

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som.
(SOMNATH SOM)
VICE - CHAIRMAN
10.12.98

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C O R A M :-

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN

A N D

THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDICIAL).

....

Ashok Kumar Panda, aged about 21 years,
Son of Appanna Panda, At/Po. Joradagada,
Dist. Ganjam.

... Applicant.

By legal Practitioner - M/s. Devanand Mishra, R.N. Naik,
A. Deo, B. S. Tripathy, P. Panda,
D. K. Sahu, Advocates.

-Versus-

1. Union of India represented by its Secretary, Department of Posts, Dak Bhavan, New Delhi.
2. Chief Postmaster General, Orissa Circle, At/Po. Bhubaneswar, Dist. Puri.
3. Senior Superintendent of Post Offices, Berhampur Division, At/Po. Berhampur., Dist. Ganjam.
4. Sub-Divisional Inspector (Postal), Paralakhemundi East Sub Division, At/Po. Paralakhemundi, Dist. Ganjam. ... Respondents.

By legal Practitioner : Mr. B. Dash, Additional Standing Counsel (Central).

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J. J. S. M.

MR. SOMNATH SOM, VICE-CHAIRMAN.

In this Original Application, under section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for a direction to Respondents quashing the order dated 21-7-1992 at Annexure-2 in which applicant has been directed to file fresh application as his name has been sponsored for the Post of Extra Departmental Packer, Jorodagada Sub Post Office. This is the second round of litigation of the applicant. Apparently, the petitioner was originally selected as Extra Departmental Packer of Jorodagada Sub Post Office but his appointment was cancelled by the order passed by the Chief Post Master General, Orissa, who found an irregularity in the process of selection of the petitioner. Apparently, the petitioner was given appointment on the ground that he is a very good sportsman. After cancelling the appointment, of the petitioner, one Shri Khetrabasi Sethi, who was Respondent No.5 in an earlier Original Application No. 251 of 1991 was appointed on provisional basis. The petitioner, in Original Application No. 251 of 1991 challenged his termination and appointment of Khetrabasi Sethi, Opp. Party No.5 in that case. After hearing counsels of both sides, this Tribunal disposed of the Original Application in order dated 22-4-1992 with a direction that the process of fresh selection be

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made by the Competent Authority considering the case of all candidates sponsored by the Employment Exchange and the applications which have been received from open market including that of petitioner and Opposite Party No.5 i.e. the present petitioner before us and one Shri Khetrabasi Sethi and who ever is found to be suitable by the competent authority keeping the rules in view may be appointed and pending final appointment Opposite Party No.5 namely Khetrabasi Sethi will continue to act as E.D.Packer. Petitioner's case, as alleged in the application is that, notwithstanding the above order, the Departmental Authorities have called for fresh names from the Employment Exchange and that is why he has come up in the present Original Application with the prayers referred to earlier.

2. Respondents, in their counter, have stated that after the order dated 22-4-92 of this Tribunal in Original Application No.251 of 1991 was received by the Sub Divisional Inspector of Posts, he had unfortunately misinterpreted the 'word' 'fresh selection' and had called for names from the Employment Exchange even though the direction of this Tribunal was to consider the names which were before the Departmental Authorities by that time including the names sponsored by the Employment Exchange and those including the petitioner and Opposite Party No.5 in the earlier case who had

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applied directly. The Respondents have also stated that Khetrabasi Sethi, Opp. Party No. 5, was not sponsored by Employment Exchange but considering the direction of the Tribunal, he was also asked to apply and accordingly he had also applied. Respondents have further submitted that the selection for the post of E.D. Packer, Jorodagada Sub Post Office, will be finalised strictly in accordance with the judgment passed by the Tribunal in Original Application No. 251 of 1991 on 22.4.1992. On the above grounds, the Respondents have opposed the prayer of the applicant.

3. We have heard Shri B.S. Tripathy, learned counsel for the petitioner and Shri B. Dash, learned Additional Standing Counsel (Central) appearing for the Respondents and have perused the records. The order dated 22.4.1992 of the Tribunal has become final because no appeal has been preferred against the order of this Tribunal. Respondents have stated that they will finalise the process of selection strictly in accordance with the above order.

4. In consideration of the above submission, the Original Application is disposed of with a direction to the Departmental Authorities that they should finalise the process of selection for the post of E.D. Packer, Jorodagada Sub Post Office strictly in accordance with rules within a period of 90 (ninety) days from the

date of receipt of a copy of this order keeping the process of consideration confined to those persons whose names had been sponsored by the Employment Exchange and who had applied directly including the present applicant and Shri Khetrabasi Sethi, Opp. Party No. 5 in the earlier Original Application as on 22-4-1992 i.e. the date of passing the order in the earlier Original Application.

5. With the above directions, the Original Application is disposed of. There would be no order as to costs.

(G. NARASIMHAM
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
10.12.98

KNM/CM.