

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO: 481 OF 1992

Date of decision: 2nd December, 1993

Shri Bishnu Mohan Panda ..... Applicant  
Versus  
Union of India & Others ..... Respondents

(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters or not? No
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not? No

  
(H. RAJENDRA PRASAD)  
MEMBER (ADMINISTRATIVE)

02 DEC 93

kn 2/12/93  
(K.P. ACHARYA)  
VICE CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO: 481 OF 1992

DATE OF DECISION: December 2, 1993

Shri Bishnu Mohan Panda . . . . Applicant  
Versus  
Union of India & Others . . . . Respondents

For the Applicant . . . . M/s D.S. Mishra, S. Mohanty,  
S. Behera, Advocates  
For the Respondents . . . . Mr. Ashok Mishra, Senior  
Standing Counsel (Central)

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C O R A M :-

THE HONOURABLE MR. K. P. ACHARYA, VICE CHAIRMAN  
&  
THE HONOURABLE MR. H. RAJENDRA PRASAD (MEMBER) ADMN.

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J U D G M E N T

K. P. ACHARYA, V. C.

The Petitioner has a grievance regarding the selection of Opposite Party No. 5 namely Shri Sarbeswar Panda for the post of Extra Departmental Branch Post Master, Mouda.

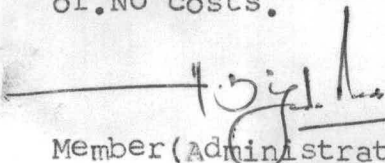
2. Shorn of unnecessary details, it would suffice to say that at one point of time selection for the post of Extra Departmental Branch postmaster was quashed by this Bench in a judgment passed in connection with Original Application No. 294 of 1991. The Bench ordered fresh selection. Case of the petitioner was not considered

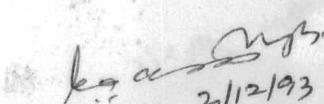
in the fresh selection because his application was received one day late and also he was involved in some criminal case. Similarly case of another applicant, was not considered because his application was also received one day late. The most peculiar feature appearing in this case is that vide order dated 29th September, 1992 the learned Single Judge ordered that Opposite Party No.5 would hold the post in question as a temporary measure till the final disposal of this application. Mr. Ashok Misra learned Senior Standing Counsel (Central) placed before us a communication from the Supdt. of Post Offices, Bhadraka, <sup>stating</sup> that Opposite Party No.5 declines to accept the order passed by the Supdt. of Post Offices in furtherance of the order passed by this Bench to act as Postmaster of the said post Office. It is not clear in the said letter as to whether the Opposite Party No.5 has permanently declined to accept the appointment. Be that as it may, the admitted position is that the case of the petitioner and another person was not considered because their applications were received by one day later than the fixed date. Taking into consideration of all these aspects, we would direct that fresh selection process be conducted and cases of all the candidates sponsored by the employment exchange and those who have made applications from the open market including that of the petitioner and Shri Bikash Kumar Mohanty <sup>and</sup> so also Opposite Party No.5 (if he makes an application) be considered and after

adjudicating the suitability of different candidates he/she whoever is found to be suitable, order of appointment be issued in his/her favour.

3. We hope and trust, the selection process would be completed within 60 days from the date of receipt of a copy of the judgment. The overseer mail will continue till <sup>the</sup> incumbents who is found to be suitable takes over <sup>the</sup> charge of the said post. This order is passed after hearing Mr. D.S. Mishra learned counsel appearing for the Petitioner and Mr. Ashok Mishra learned Senior Standing Counsel (Central).

4. Thus, the application is accordingly disposed of. No costs.

  
Member (Administrative)  
02 DEC 93

  
2/12/93  
Vice-Chairman

Central Administrative Tribunal,  
Cuttack Bench/K. Mohanty/2/12/93