

Central Administrative Tribunal
Cuttack Bench, Cuttack.

Original Application No. 490 of 1992

Date of decision: January 19, 1993.

Bishnab Charan Mall Petitioner

Versus

Union of India and others Opp. Parties

For the Petitioner : Mr. P.K. Nayak, Advocate

For the Opp. Parties : Mr. Ashok Misra, Sr. St. Counsel

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CORAM:

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

AND

THE HONOURABLE MR. S.R. ADIGE, MEMBER (ADMINISTRATIVE)

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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? No.
3. Whether The Lordships wish to see the fair copy of the judgment? Yes.

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JUDGMENT

K.P.ACHARYA, V.C.

In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to direct the Opposite Parties to treat the petitioner as a permanent employee in the post of Extra Deparrmental Delivery Agent of R.Dholamara Branch Post Office within the Nayagarh Sub Division and to direct the Opposite parties not to give appointment to Smt. Santilata Sahoo in place of the present petitioner.

2. Shortly stated the case of the petitioner is that he was functioning as Extra Departmental Delivery Agent of R.Dholamara Branch Post Office on temporary basis. On 2.10.1989, Rama Chandra Sahoo who was the Extra Departmental Delivery Agent of the said post office expired and to fillup the post on permanent basis an advertisement was published calling for applications to fillup the posts of Extra Departmental Delivery Agent and Extra Departmental Mail Carrier. The petitioner made an application for the post of Extra Departmental Delivery Agent. The petitioner was selected. No appointment order having been issued in favour of the petitioner, this application has been filed with the aforesaid prayer.

3. In their counter the Opposite Parties maintained that the Postal Authorities had to comply with the directions given by the Bench in Original Application No.209 of 1990 disposed of on 24th March, 1992 therein it was directed to give an appointment to Smt. Santilata Sahoo. Accordingly Smt. Sahoo has been appointed. Therefore,

in such circumstances, the petitioner could not be appointed to such post.

4. We have heard Mr. P.K.Nayak learned counsel for the petitioner and Mr. Ashok Mishra learned Senior St. Counsel (Central). Here is a very unfortunate case where the petitioner has been deprived of a service because of the judicial pronouncement in another case giving a direction for appointment of Smt. Sahoo on compassionate ground. We cannot go back upon the direction given in the said judgment but in M.A. No. 49 of 1993 the petitioner has stated that there are vacancies in Badasilinga, Bahugaon and Madhpur Post Offices. Petitioner Prays for a direction for appointment as Extra Departmental Delivery Agent in any such post offices. We are not aware as to whether actually there is vacancy or not. Since the MA has been filed today rightly it was not possible on the part of the learned Standing Couns 1 to take instructions. However, we would direct that in case there is vacancy of the post of Extra Departmental Delivery Agent or Extra Departmental Mail Carrier in any of these post offices, if no direction has been given on prior occasion for appointment of any person in respect of those posts, we would strongly recommend the case of the petitioner with a direction for consideration of the case of the petitioner for appointment in any of such posts.

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

Anil Diggi
MEMBER (ADMINISTRATIVE)

Kejaria *Copy*
19-1-93
VICE CHAIRMAN



Central Admn. Tribunal,
Cuttack Bench. K.Mohanty
19.1.93