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J U D G M E N T

K.P.ACHARYA, V.C., In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays for a direction to be issued to the respondents to allow the applicant to continue in his service as Extra-Departmental Packer pursuant to his appointment contained in Annexure-3 and the case of the applicant should be considered for regular appointment in respect of O.S.A.P. Post Office at Bhubaneswar.

2. Shorn of unnecessary details, it may be stated that the applicant was temporarily appointed pending final selection as Extra-Departmental Packer of the said Post Office. But vide judgment dated 13.7.1992 passed in O.A.37 of 1991 this Bench directed as follows:

" Before we part with this case we must observe that at one point of time the petitioner had been selected, but due to the aforesaid facts and circumstances she could not hold charge of the post and her appointment was cancelled. We hope and trust that she would be put in the waiting list and the Chief Post Master General would take a sympathetic view over her (the petitioner) and try to give her an appointment in the post of Extra Departmental Delivery Agent/Extra Departmental Stamp Vender against any vacancy occurring in Bhubaneswar or near about Bhubaneswar. "

In pursuance thereof^{to}, Respondent No.4, Smt. Gouri Rani Pati has been appointed and thereby the present applicant has been dislodged from the post in which he was kept for a long period.

3. We have heard Mr.P.V.Ramdas, learned counsel for the applicant, Mr.U.B.Mohapatra, learned Addl. Standing Counsel (Central) for Respondents 1 to 3 and Mr.Deepak Misra, learned counsel for respondent No.4 at some length.

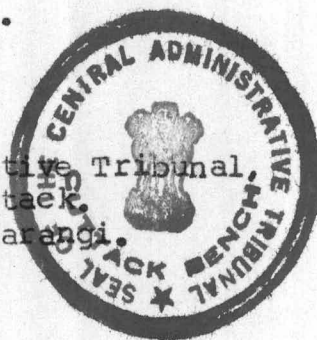
4. While we passed the judgment in O.A.37 of 1991 we

were not aware of the fact that the present applicant had been temporarily appointed to such post. However, once the Bench has made the above quoted observations, it ~~could~~ not be rescinded now. All the same, we would request the Chief Post Master General to consider the case of the present applicant sympathetically and in case any post of Extra-Departmental Packer or any post of similar nature is available in the nearby place, the case of the applicant be considered for appointment, if there is no adverse report against him and his case should be considered for appointment to a Post Office where there is no other man functioning temporarily.

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

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MEMBER (ADMN.)

Central Administrative Tribunal
Cuttack Bench, Cuttack
November 13, 1992/Saranggi



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VICE-CHAIRMAN