

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK

Original Application No. 587 of 1992

Date of Decision: 6.5.1994

Ashok Kumar Mishra

Applicant(s)

Versus

Union of India & Others Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? ↗
2. Whether it be circulated to all the Benches of the ↗
Central Administration Tribunals or not ?

MEMBER (ADMINISTRATIVE)

06 MAY 94

VICE-CHAIRMAN

Ken 6-5-94.

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Ashok Kumar Mishra Applicant

Versus

Union of India & Others Respondents

For the applicant M/s.P.K.Dhal,
D.Dhal
S.K.Nayak-3
B.K.Parida,
Advocates

For the respondents Mr. Ashok Mishra
Sr. Standing Counsel
(Central)

C O R A M:

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

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN)

JUDGMENT

MR .K.P.ACHARYA, VICE-CHAIRMAN: In this application, the petitioner prays for a direction to regularise his services against the post of Extra Departmental Mail Man or in the alternative to issue a direction to the opposite parties to give an appointment to the petitioner in any post in the postal department commensurate with his qualification.

2. Shortly stated the case of the petitioner is that he worked as an Extra Departmental Mail Man in July, 1983 in the R.M.S., Balasore. His name was sponsored by the Employment Exchange along with many other candidates including OP No.5 for appointment to the ~~said~~ post on regular basis. His case did not deserve a sympathetic consideration by the appropriate authority and OP No.5 was appointed to the post in question. Later there was a

vacancy and the name of the petitioner not having been sponsored by the Employment Exchange, his case was not considered. According to the petitioner, he had worked without any break from 7.7.1983 to 12.8.1984 and during different spells he has also worked between December, 1984 and 22.7.1991. Even though the petitioner had rendered service for a considerable period to the postal department, a sympathetic view has not been taken by the departmental authorities in Balasore for giving him a morsel of food to the petitioner.

3. We have heard Mr. D. Dhal, learned counsel for the petitioner and Mr. Ashok Mishra, learned Standing Counsel. After giving our anxious consideration to the argument advanced at the Bar, we are of opinion that the case of the petitioner should be considered with utmost sympathy, because, though he has rendered service for about eight years, he has not been able to get the fruits of satisfactory service rendered by him to the postal department. In the counter, the opposite parties do not say that there was any adverse remarks against the petitioner. Therefore, we presume that the petitioner has a clean slate in his favour. We would therefore, direct OP No. 3, the Senior Superintendent of Post Offices, R.M.S. (N) Division, Cuttack to give an appointment to the petitioner to any post under his jurisdiction whenever a post falls vacant. In other words we mean to say that the next vacancy available within the jurisdiction of OP No. 3 should be given to the petitioner commensurate with his educational qualification.

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4. That the application is accordingly disposed of leaving the parties to bear their own costs.

12/5/94
MEMBER (ADMINISTRATIVE)

06 May 94

6.5.94
VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench Cuttack
dated the 6.5.1994/ B.K. Sahoo