

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK

ORIGINAL APPLICATION NO : 643 OF 1992

DATE OF DECISION : July 26, 1993

Shri Madhusudan Pradhan .. Applicant

Versus

Union of India and others .. Respondents

(For instructions)

1. Whether it be referred to the reporters or not?

2. Whether it be circulated to all the Benches of
the Central Administrative Tribunals or not?

12 July 1993
(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

26.7.93

key on file
26.7.93

(K. P. ACHARYA)
VICE-CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
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ORIGINAL APPLICATION NO: 643 OF 1992

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-Versus-

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For the Applicant ... M/s. S.K. Mohanty,
S.P. Mohanty
Advocates.

For the Respondent ... Mr. Ashok Mishra, Senior
Nos. 1 to 3 Standing Counsel (Central)

For the Respondent ... M/s. S.K. Nayak, D. Nayak,
No. 4. J. Mohanty, Advocates.

C O R A M:

THE HONOURABLE MR. K.P. ACHARYA, VICE CHAIRMAN
A N D

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

JUDGMNT

K.P. ACHARYA, V.C. In this application U/s 19
of the Administrative Tribunals Act, 1985, the
petitioner prays to quash the appointment of
Opposite Party No. 4 as Extra Departmental Branch
Postmaster of Siso Branch Post Office in account
with Gop Sub Office.

2. Shortly stated the case of the petitioner
is that candidature of several persons including
that of the petitioner and Opposite Party No. 4
was considered for appointment to the post of
Extra Departmental Branch Post Master, Siso Branch
Post Office and Opposite Party No. 4 was found to be

12

suitable and hence appointed. According to the Petitioner, Opposite Party No. 4 was also acting as an Agent of the peerless organisation. Hence he was debarred from making any application and was in-eligible for appointment to the post of Extra Departmental Branch Post Master. Therefore, this application has been filed with the aforesaid prayer.

3. In their counter, the Opposite Parties 1 to 3 maintained that since a long time Opposite Party No. 4 had seized of ^{all communication} any communication with the Peerless organisation and accordingly a statement was taken from Opposite Party No. 4 and therefore, at this stage, the appointment of Opposite Party No. 4 should not be quashed.

4. Opposite Party No. 4 maintained the same stand in the counter.

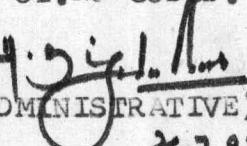
5. We have heard Mr. S.P. Mohanty learned counsel appearing for the petitioner, Mr. Ashok Mishra learned Senior Standing Counsel (Central) appearing for Opposite Party Nos. 1 to 3 and Mr. S.K. Nayak learned counsel appearing for the Opposite Party No. 4.

6. After hearing arguments from counsel for both sides and after perusing the relevant documents, we are of opinion that on the date of making the application and on the date of ^{on which} appointment order was issued, the Opposite Party No. 4 was very much attached to the Peerless organisation.

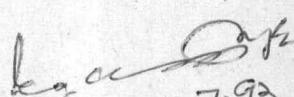
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Therefore in the circumstances we feel that a fresh selection process be adopted and the persons found to be suitable should be appointed. We therefore, direct the Senior Superintendent of Post offices, Bhubaneswar Division to conduct a fresh selection by inviting applications from Employment Exchange and Open Market and the petitioner as well as Opposite Party No. 4 are at liberty to apply for the said post and the competent authority should consider the candidature of all the persons who have made ~~the~~ applications and adjudicate the suitability of the different candidates and he/she whoever is found to be suitable should be appointed. This process should be completed within sixty days from the date of receipt of a copy of this judgment. Opposite Party No. 4 should continue till the final selection is made, if no other arrangement has been made in the meanwhile.

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

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MEMBER (ADMINISTRATIVE)

26.7.93.


26.7.93.
VICE CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench, Cuttack/K. Mohanty/
26.7.93