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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 50 of 1992

Date of Decision 7.2.1992

Mahendra Kumar Dhal Applicant

Versus

Union of India & others Respondents

For the applicant Mr. B. Pujari
Advocate

For the respondents Mr. A. K. Mishra,
Standing Counsel
(Central Government)

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C O R A M

HON'BLE MR. K. P. ACHARYA, VICE-CHAIRMAN

AND

HON'BLE MISS. USHA SAVARA, MEMBER (ADMINISTRATIVE)

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1. Whether the reporters of local newspapers may be allowed to see the judgment ? Yes
2. Who be referred to reporters or not ? No
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes

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JUDGMENT

MR. K. P. ACHARYA, VICE-CHAIRMAN, This case came up for admission to-day.

We did not feel it just and proper to keep the matter to pending and we thought it necessary/dispose of finally.

2. After hearing Mr. B. Fujari, learned counsel for the petitioner and Mr. A. K. Mishra, learned Standing Counsel the following orders are passed.

3. It was submitted on behalf of the petitioner that from 12.12.1983 to 21.1.1988, the petitioner had worked as E.D.B.P.M. of Manjuri Post Office in place of Shri Ananta Kishore Nayak who had then been removed from service resulting from a disciplinary proceeding which was under challenge in connection with T.A. 10 of 1987 disposed of by this Bench on 16.11.1978 quashing the order of punishment of Ananta Kishore Nayak and ordering his reinstatement. Consequently the present petitioner had to vacate the said post. It is now alleged by the present petitioner that the said Ananta Kishore Nayak has again been put off from duty on certain allegations having been levelled against him. Further the case of the petitioner is that the post of E.D.B.P.M., Manjuri Post Office is being filled up and for the said purpose advertisement has been issued by the Superintendent of Post Offices, Bhadrak Division vide Notification No. 235 dated 7.1.1992. From the advertisement it is not clear as to whether the post is sought to be filled up temporarily or permanently. In case the post is intended to be filled up temporarily till the allegations levelled against Ananta Kishore Nayak are finalised, we

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we are of opinion that the petitioner Shri Mahendra Kumar Dhal should be appointed in the said post temporarily, if he has no past bad records, and this temporary appointment till shall continue/further orders are passed by the Superintendent of Post Offices after finalisation of the allegations levelled against Shri Ananta Kishore Nayak, or the post is being intended to ^{be} ~~be~~ fill-up permanently.

4. In case the advertisement stated above has been published calling for applications from the candidates to fill up the post in question permanently or on regular basis, then it is directed that the case of the petitioner should be considered along with other candidates and after adjudicating the suitability of the candidates appointment order should be issued in favour of the candidate found to be suitable. We hope and trust the competent authority while taking steps for appointment either on temporary basis or on permanent basis shall take into consideration the directions given by the D.G.P.T. in his letter no. 43-4/77-Pen. dated 8.5.1979. Thus the application is accordingly disposed of, leaving the parties to bear their own costs.

5. Send a copy of this judgment to the opposite parties with a direction to the Superintendent of Post Offices, Bhadrak Division to carryout the directions mentioned above.

M. Sahoo
MEMBER (ADMINISTRATIVE)

K. S. Sahoo
7.2.92
VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench, Cuttack
dated the 7th February, 92/Sahoo