

3
13
CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK

ORIGINAL APPLICATION NO.159 OF 1993

Date of disposal: May 10, 1993.

Shri Pattayat Sahoo

Applicant

Versus

Union of India and others

Respondents

For the Applicant

... Mr. D. P. D. halsamant,
Advocate

For the Respondents

... Mr. Ashok Misra,
Senior Standing Counsel
(Central).

...

CORAM:

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

...

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 His Lordship wish to see the fair copy of the judgment? Yes.

...

JUDGMENT

K.P.ACHARYA, V.C.

In this application under section 19 of the Administrative Tribunals Act, 1985, the Petitioner prays for a direction to be issued to the Opposite Parties to appoint the petitioner to the post of Branch Postmaster, Pangatira Post Office.

2. Shortly stated the case of the petitioner is that he was appointed as Branch Postmaster, Pangatira Branch Post Office in the district of Dhenkanal on 24th March, 1972 in the vacancy caused by removal of the former Branch Post Master Shri Satyananda Behera. The petitioner continued to work as Branch Postmaster of the said post office till 22nd February, 1986 when he was relieved by the former Branch Postmaster, Shri Satyananda Behera on his reinstatement in accordance with Memo No. F-3-4/67-68 dated 17th February, 1986. The post in question has now fallen vacant with effect from 23rd December, 1992 on the retirement of Shri Behera. Hence this application has been filed with the aforesaid prayer.

EN

3. I have heard Mr.Dhalasamant, learned counsel appearing for the petitioner and Mr.Ashok Mishra, learned Senior Standing Counsel(Central). I have also heard Shri P.N.Mishra, Superintendent of Post Offices,Dhenkanal The post is yet to be filled up, especially because an interim order was passed directing the opposite parties not to issue any appointment order in favour of any person. It is directed that the case of the petitioner Shri Pattayat Sahoo be considered along with other applicants and whosoever is found to be suitable may be appointed to the post in question. I hope and trust that the experience gained by the petitioner will be duly taken into consideration by the appointing authority and sufficient weightage be given to this aspect.

4. After closure of the arguments in this case, Mr.Dhalasamant filed a memo along with a copy of letter dated 16/17.11.1982 which is a report submitted by Superintendent of Post Offices, Dhenkanal Division to the Director of Postal Services, Sambalpur Region referring to the query made by the Director in regard to selection of Extra-Departmental Branch Post Master,

Kualo Branch Post Office in account with Parjang S.O.

6

not be
One Srinibas Sahu could/ appointed as E.D.B.P.M.

of the said Post Office as he had passed Class VII standard. Sri Sahu had worked for about 9 years on adhoc basis. Director vide his letter No.12-8/79 dated 21.12.1982 on the same subject stated as follows:

" I am directed to intimate you that since Shri Srinivas Sahu has worked for 9 years he may be reappointed in the interest of work and justice. The condition for appointment may be relaxed in his favour and compliance reported. "

In the present case, the applicant has not passed Class VIII. Keeping in view the precedent created by the Director I would direct that the educational qualification of the present applicant, Shri Pattayat Sahoo is hereby relaxed and his suitability be considered along with others, keeping in view the above mentioned observations made by me that the experience gained by the applicant would be duly taken into consideration by the appointing authority and sufficient weightage be given to this aspect.

5. Thus, this application is accordingly disposed of leaving the parties to bear their own costs. *21/1*

ir own costs. *On 4/18/93*

Central Admn.Tribunal,
Cuttack Bench, Cuttack.
May 10, 1993/Sarangi.