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CENTRAL ADMINISTRATIVE TRIBUNAL:  
CUTTACK BENCH: CUTTACK.

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ORIGINAL APPLICATION NO.17 of 1993.

Date of Decision : January 20, 1993.

Sridhar Jena ..... Applicant.

Versus,

Union of India & Ors. .... Respondents.

For the applicant: ... M/s. Devanand Misra,  
Deepak Misra, R.N. Naik,  
A. Deo, B.S. Tripathy,  
P. Panda, D.K. Sahu, Advocates.

For the Respondents: Mr. Ashok Misra,  
Sr. Standing Counsel (Central).

C O R A M :

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

THE HONOURABLE MR. S. R. ADIGE, MEMBER (ADMINISTRATIVE)

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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 wished to see the fair copy of the Judgment ? Yes.

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J U D G M E N T.

K.P.ACHARYA: V.C.,

With the consent given by counsel for both sides we have heard this case without waiting for counter as facts are simple and practically undisputed.

2. Shortly stated, the case of the petitioner Sri Sridhar Jena is that he had applied for appointment to the post of E.D.B.P.M., Jamkunda within the jurisdiction of Opp.Party No.3, i.e. Superintendent of post offices, Balasore.

3. The grievance of the petitioner is that his name has not been considered because he has not been sponsored by Employment Exchange. Hence this application has been filed for appropriate direction to the Superintendent of Post offices to consider the case of the petitioner.

4. We have heard Mr.R.N.Naik, learned counsel for the petitioner and Mr.Ashok Misra, Senior standing counsel (Central) for Respondents. Mr.Naik relied upon a judgment of this Bench reported in A.T.T. 1992(2), 586 (J.Ramesh Ch. Prusty -V- Union of India & Ors.) <sup>In the case</sup> ~~In the case~~ decided by this Bench, The grievance of the petitioner was that the Superintendent should not have considered the candidates from open market. This contention was not accepted by Division Bench in which one of us is a party, relying on the observation made by their Lordship of the Supreme Court in the case of Union of India and others -Versus- N.Hargopal & Others, reported in A.I.R.1987 S.C., 1227. At paragraph-6 of this Judgment Their Lordships

pleased to observe as follows:-



" It is, therefore, clear that the object of the Act is not to restrict, but to enlarge the field of choice so that the employer may choose the best and the most efficient and provide an opportunity to the worker to have his claim for appointment considered without the worker having to knock at every door for employment. We are, therefore, firmly of the view that the Act does not oblige any employer to employ those persons only who have been sponsored by the employment Exchanges".

The very same view was also taken by the Calcutta Bench in the case reported in A.T.R. 1992(1)C.A.T., 168 (Hari Sankar Singh- Versus- Union of India & Ors) . The Bench also relied upon the above quoted observations of Their Lordship's of the Supreme Court.

5. In our view the principles laid-down by the Hon'ble Supreme Court in the above mentioned case and the principles laid-down by this Bench in the case of J.R.C.Prusty(Supra) apply in full force. Therefore, we direct the Superintendent to take into consideration the candidates who have applied from open market <sup>including the petitioners</sup> and adjudicate the suitability of all the candidates and he who is found suitable, order of appointment be issued in his favour. This direction is subject to the condition that selection process and issue of appointment order has not been finalised as yet.

6. Thus the application is accordingly disposed of and no cost.

*Infidige 20.1.93*  
MEMBER (ADMINISTRATIVE)

Central Administrative Tribunal  
Cuttack Bench, Cuttack  
Hossain.

*20.1.93*  
VICE-CHAIRMAN.