

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH CUTTACK

Original Application No. 190 of 1993

Date of Decision: 22.9.1993

Soren Singh

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 Administrative Tribunals or not ?

\_\_\_\_\_  
MEMBER (ADMINISTRATIVE)

22 SEP 93

\_\_\_\_\_  
VICE-CHAIRMAN

\_\_\_\_\_  
22/9/93

(4)

(5)

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

Original Application No. 190 of 1993

Date of Decision: 22. 9. 1993

Soren Singh

Applicant(s)

Versus

Union of India & Others

Respondent(s)

For the applicant:

M/s. S. K. Das  
S. B. Jena  
A. K. Guru,  
Advocates

For the respondents:

Mr. Ashok Mishra  
Sr. Standing Counsel  
(Central Government)

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: The petitioner was appointed as Extra Departmental Branch Post Master, Jagannathpur Branch Post Office in the District of Mayurbhanj. There were three applicants. The petitioner was found to be suitable and was appointed. The Chief Postmaster General called for the files, found certain irregularities; and ordered quashing of appointment of the petitioner.

Hence this application has been filed with a prayer to quash the order terminating the services of the petitioner.

2. In their counter the opposite parties maintain that rightly the Chief Postmaster General ordered termination of the services of the petitioner because, certain incurable irregularities were committed in the matter of selection and appointment of the petitioner. Therefore, the case being devoid of merit is liable to be dismissed.

3. We have heard Mr.S.B.Jena, learned counsel for the petitioner and Mr.Ashok Mishra, learned Standing Counsel appearing for the opposite parties. We have also heard Mr.Arakhita Behera, Superintendent of Post Offices, Mayurbhanj Division. Mr.Behera told us that the selection process has not been finalised as yet though the names have been called from the Employment Exchange and names of different candidates sponsored by the Employment Exchange are on record; and the application invited from the open market have been received. Petitioner is not one of the applicants. Having given our anxious consideration to the argument advanced at the Bar, we do hereby quash the order passed by the competent authority terminating the services of the petitioner, and we would direct that the petitioner, if makes an application within 15 days from to-day, then his application will be considered along with the candidates who have been sponsored by the Employment Exchange and the candidates who have applied from the open market and the Superintendent of Post Offices will adjudicate the suitability of each

(2)

the candidates and he/she whosoever is found to be suitable may be appointed to the post of E.D.B.P.M., Jagannathpur Branch Post Office. Since the vacancy relates to the year, 1992, the rule prevalent regarding qualification etc. as on 1992 will be the basis of entertaining the applications to adjudicate the suitability in favour of the candidates whose cases are being considered. Therefore, the petitioner being ~~be~~ a non-matriculate shall not stand as a bar against others for consideration of his case. The petitioner shall not be entitled to reinstate <sup>in service or back wages</sup> ~~in~~ ~~back~~ wages. The petitioner be allowed to act as E.D.B.P.M., Jagannathpur Branch Post Office till the final selection is made and in case the petitioner is not found to be suitable, then he must handover charge to the suitable candidate to be appointed by the Superintendent of Post Offices. One month salary drawn by the petitioner in lieu of notice shall be adjusted against the emoluments to be paid to him with effect from the date he takes over charge of the said post office till the date he functions as such. Thus the application is accordingly disposed of. No costs.

1.25 p.m.  
\_\_\_\_\_  
MEMBER (ADMINISTRATIVE)  
22 SEP 93

Central Administrative Tribunal  
Cuttack Bench Cuttack  
dated the 22.9.1993/ B.K. Sahoo

VICE-CHAIRMAN

*22-9-93*

