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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH.

Original Application No. 353 of 1993.

DATE OF DECISION: July 21, 1993.

Sudam Charan Behera ...

Applicant.

versus

Union of India and others ...

Respondents.

(FOR INSTRUCTIONS)

1. Whether it be referred to the Reporters or not ? *NO*
2. Whether it be circulated to all the Benches of the *NO* Central Administrative Tribunals or not ?

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(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

21 JUL 93

Legal 204
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(K. P. ACHARYA)
VICE-CHAIRMAN

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Original Application No. 353 of 1993.

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versus

Union of India and others ... **Respondents.**

For the applicant ... **M/s. Deepak Misra,
A. Deo, B. S. Tripathy,
P. Panda, D. K. Sahoo, A. Misra,
Advocates.**

For the respondents ... **Mr. Ashok Misra,
Sr. Standing Counsel (Central)**

C O R A M :

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

AND

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

JUDGMENT

K. P. ACHARYA, V.C., In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays to quash the notification vide Annexure-3 and to direct the respondents to appoint/adjust the applicant in the vacant post of Extra-Departmental Mail Carrier of Kushaleswar Sub Office.

2. Shortly stated, the case of the applicant is that he had been selected and appointed against the post of Extra-Departmental Mail Carrier of Salabani Branch Post Office. Appointment to the said post was cancelled on 13.7.1987. The applicant invoked the jurisdiction of this Bench by filing an application under section 19 of the Administrative Tribunals Act, 1985 to quash the order of

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cancellation. The Bench by its order dated 10.8.1989 passed in O.A.320 of 1987 held as follows;

" The applicant will in no way be held responsible for the action of the Department. It will, therefore, be appropriate, in our view, that the Department adjusts the applicant against any of the ED posts available near about Salabani as soon as possible. "

According to the applicant, a vacancy in the post of Extra-Departmental Mail Carrier has arisen in Kushaleswar Sub Office under Ghatgaon Sub-Division. The grievance of the applicant is that the applicant is not being appointed to the said post but an advertisement has been made calling for applications from intending candidates to fill up the post which is contrary to the directions contained in the aforesaid judgment. Therefore, it is prayed by the applicant that direction should be given to the respondents 3 & 4 to issue order of appointment in favour of the applicant especially because at one point of time the applicant was found to be suitable.

3. We have heard Mr. B. S. Tripathy, learned counsel for the applicant and Mr. Ashok Mishra, learned Senior Standing Counsel (Central). In case, the above mentioned facts submitted on behalf of the applicant is true and correct that applications have been called for filling up of the post of Extra-Departmental Mail Carrier, Kushaleswar Sub Post Office which is also borne out from Annexure-1 to the application, it is directed that instead of considering the cases of other candidates, the applicant be appointed to the said post especially

because his suitability has already been found in his favour and therefore this Bench had ordered that he should be adjusted against any ED posts. We cannot sit over the judgment of the Bench in the aforesaid case and we are duty bound to respect that judgment. Therefore, with utmost respect to the said judgment, we would direct appointment of the applicant against the post of Extra-Departmental Mail Carrier of Kushaleswar Sub Post Office provided that there has been no adverse report against the applicant in the meanwhile. We hope and trust the appointment order would be issued to the applicant within 30(thirty) days from the date of receipt of a copy of this judgment.

4. Thus, this application is accordingly disposed of leaving the parties to bear their own costs.

..... MEMBER (ADMN.) 21.7.93

John D. B.
21-7-93
VICE-CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
July 21, 1993/Sarangi.