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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK

Original Application No. 503 of 1993

Date of Decision: 22.9.1993

Akshay Kr. Pradhan

Applicant(s)

Versus

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

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


MEMBER (ADMINISTRATIVE)

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by 22/9/93
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

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Akshay Kr. Pradhan

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Respondent(s)

For the applicant:

M/s. Deepak Misra

A. Deo

B.S. Tripathy

P. Panda

D.K. Sahu

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, This case came up for admission to-day.

After hearing the facts of the case from Mr. B.S. Tripathy, learned counsel for the petitioner and Mr. Ashok Mishra, learned Standing Counsel, we did not think it fit and proper to unnecessarily keep the matter pending and,

therefore, with the consent given by the counsel for both

sides, we have heard this case on merits and proposed to dispose ~~dispose~~ it of finally.

2. Petitioner's father Shri Bishnu Charan Pradhan has served as Extra Departmental Branch Post Master, Madhayapur Branch Post Office for about 30 years or a little more. Unfortunately, Shri Bishnu Charan developed a defect in vision and has therefore remained on long leave giving his son Shri Akshay Kr. Pradhan (the present petitioner) to work as a substitute. We were told by Mr. Tripathy that Shri Bishnu Charan has filed a petition on 4.4.1992 contained in Annexure-2 addressed to the Sr. Superintendent of Post Offices, Sambalpur Division praying therein to allow him to take voluntary retirement and in his place, his son, Shri Akshay Kr. Pradhan should be appointed. We were further told that this representation has not yet been disposed of, but the selection process has commenced to make a regular appointment to the said post. We are not sure as to whether the representation has been disposed of. In case it has not been disposed of, the selection process should not have commenced. It will commence only when the regular incumbent Shri Bishnu Charan is allowed to voluntarily retire. In case the representation filed by Shri Bishnu Charan has been disposed of, then the selection process can commence after he has been dislodged from the post of E.D.B.P.M., Madhayapur Branch Office. Be that as it may, we would direct that the representation contained in Annexure-2 dated 4.4.1992 be disposed of within 15 days from the date of receipt of a copy of this

judgment - if not already disposed of. If the petitioner's father has been dislodged from the said post, then the selection process may commence and the case of the petitioner Shri Akshay Kr. Pradhan along with others be considered sympathetically keeping in view that his father has worked in the said post office for more than 30 years and he (the petitioner) has also gained experience by working in the said post office for about one and a half years. In case, in the meanwhile, the Superintendent has allowed the prayer of the father of the petitioner by giving him voluntary retirement and appointing his son (the present petitioner) then the aforesaid direction becomes ineffective. ^{In case this judgment does not become ineffective} The selection process must be completed within 60 days from the date of receipt of a copy of this judgment. If the petitioner has not been appointed in the meanwhile, till the selection process is made final he shall continue as a substitute. If the selection process has been completed and if anybody other than the petitioner ^{has been} is appointed after adjudication of suitability, he may be appointed and he should take charge from the present petitioner. Thus the application is accordingly disposed of. No costs.


MEMBER (ADMINISTRATIVE)

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VICE-CHAIRMAN

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