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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK

Original Application No. 573 of 1993

Date of Decision: 19.10.1993

Pradeep Kumar Jena

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)

19 OCT 93

 19/10/93
VICE-CHAIRMAN

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Respondents

For the applicant

M/s.S.K.Das
S.B.Jena
J.P.Rath,
Advocates

For the respondents

Mr.Ashok Mishra
Sr.Standing Counsel
(Central)

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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: In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to restrain the opposite parties from considering the case of OP No.3 viz. Shri Padmalochana Jena for appointment to the post of Extra Departmental Branch Post Master, Nadabari Post Office within the jurisdiction of the Superintendent of Post Offices, Balasore Division.

2. Shorn of unnecessary details it would suffice to say that the post of E.D.B.P.M. of Nadabari Post Office is vacant. The selection process has been undertaken to appoint the suitable candidate. Employment Exchange has sponsored certain names including that of the petitioner Shri Pradeeph

Kumar Jena and OP No.3 (Shri Padmalochan Jena). The aforesaid prayer has been made by the petitioner that it would be apparent from Annexure-1 that OP No.3 Shri Padmalochan Jena is in service at Adampur being attached to No.8 B Air Force. During the course of argument advanced by Mr.S.B.Jena, learned counsel for the petitioner and Mr.Ashok Mishra, learned Standing Counsel, Mr.Jena emphatically submitted that once OP No.3 is in service in the Air Force, the Employment Exchange has no right to sponsor the name of a person who is already in service and equally the Superintendent of Post Offices, Balasore Division has no obligation to consider the candidature of OP No.3 where his application is not forwarded to the Superintendent of Post Offices by the authority under whom OP No.3 is serving and therefore, the Superintendent of Post Offices should be restrained from considering the application of OP No.3. We are not in a position to ascertain the correct state of affairs and at the same time we do not like to keep this matter unnecessarily pending as it may arrest the progress for selection of the candidature for regular appointment. We would therefore direct the Superintendent of Post Offices, Balasore Division to consider the grievance of the petitioner on the points mentioned above and pass a reasoned order according to law, so that the said order may be the subject matter of judicial review, if occasion arises in future. Thus the application is accordingly disposed of. No costs.

MEMBER (ADMINISTRATIVE)

Central Administrative Tribunal
Cuttack Bench Cuttack
dated the 19.10.1993/ B.K.Sahoo

VICE-CHAIRMAN

19.10.93