

2

5

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK

Original Application No. 578 of 1993

Date of Decision: 20.10.1993

Fakira Sahu

Applicant(s)

Versus

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

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


MEMBER (ADMINISTRATIVE)

20 OCT 93

len 20/10/93
VICE-CHAIRMAN

6

3

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK

Original Application No. 578 of 1993

Date of Decision: 20.10.1993

Fakira Sahu

Applicant

Versus

Union of India & Others

Respondents

For the applicant

M/s. Deepak Mishra
A. Deo, B. S. Tripathy
P. Panda, D. K. Sahu,
Advocates

For the respondents

Mr. Ashok Mishra,
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

MR. K. P. ACHARYA, VICE-CHAIRMAN: In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to quash Annexure-7 dated 6.10.1993 asking the petitioner to handover charge of the post of Branch Post Master, Chichinda Branch Post Office to the Overseer Mail.

2. According to the petitioner, he was appointed temporarily as Extra Departmental Branch Post Master of Chichinda Branch Post Office vide Annexure-4 for a period of three months commencing from 16.3.1992 till the regular appointment is made (whichever is short). Further case of the petitioner is that no regular incumbent has yet been selected, but an illegality is being committed by the



concerned authority in asking the petitioner to handover charge of the office of Extra Departmental Branch Post Master, Chichinda Branch Office despite the fact that vide Annexure-5 services of the petitioner was extended from 16.6.1992 for three months and vide Annexure-6 dated 4.8.1993, appointment of the petitioner was extended from 16.9.1992 until further orders.

3. We did not like to keep this matter unnecessarily pending as progress of regular selection for the post in question may ^{be} arrested. Therefore, we proposed to finally dispose of the case after hearing Mr. Deepak Mishra, learned counsel for the petitioner and Mr. Ashok Mishra, learned Standing Counsel.

4. We feel inclined to accept the statement of the petitioner that regular selection has not yet been completed because, had it been completed, the Superintendent of Post Offices would not have asked the petitioner to handover the charge of the said post office to the Overseer Mail. We would therefore direct that the regular selection process may commence immediately and within 60 days from the date of receipt of a copy of this judgment, suitable candidate be appointed. Case of the petitioner should also be considered along with others and he/she shsoever is found to be suitable should be given an appointment to the said post. In case the selection process has not been completed and no body has been appointed till now, the petitioner should continue, if there has been no adverse report against him in the meanwhile

touching his integrity. Experience gained by the petitioner



should also be given due weightage while adjudicating the suitability of different incumbents.

5. Thus the application is accordingly disposed of leaving the parties to bear their own costs.


MEMBER (ADMINISTRATIVE)
20 OCT 93


20.10.93
VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench Cuttack
dated the 20.10.1993/ B.K.Sahoo

