

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK

Original Application No. 624 of 1993

Date of Decision: 18.1. 1994

Priya Charan Mohanty

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)

18 JAN 94

VICE-CHAIRMAN

Ken 18/194.

**CENTRAL ADMINISTRATIVE TRIBUNAL
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Date of Decision: 18.1.1994

Priya Charan Mohanty Applicant

Versus

Union of India & Others Respondents

For the applicant M/s. Deepak Misra
R.N.Naik,
A.Deo,
B.S.Tripathy,
Advocates

For the respondents Mr. U. B. Mohapatra,
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 the notice issued vide Annexure-5 calling for applications for the post of Extra Departmental Branch Post-master, Sahadapada Branch Office through open market and for a direction to be issued to the opposite parties to consider the case of the petitioner for appointment to the post of Extra Departmental Branch Post-master of the said post office.

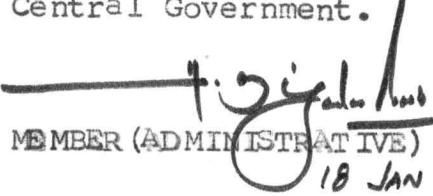
2. Shortly stated the case of the petitioner is that he was working as E.D.B.P.M. of Sahaddepada Branch Post Office and while working as such, his appointment order was quashed under Rule-6 which was subject matter

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of Original Application No.433 of 1993 under challenge. Due to the non-compliance of principles of natural justice, termination of services of the petitioner Shri Priya Charan Mohanty was held to be illegal. We, therefore, quashed the order of termination and directed the Senior Superintendent of Post Offices, Bhubaneswar Division to take steps to fill-up the post on regular basis inviting applications from the Employment Exchange and from open market and we further directed that the case of the petitioner Shri Priya Charan Mohanty and Surya Narayan Mohanty should be considered along with others and he/she whosoever is found to be suitable should be appointed.

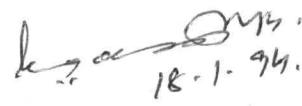
3. Vide order dated 18.10.1993 passed in Misc. Application No.595 of 1993, we had directed the Senior Superintendent of Post Offices to give a personal hearing to the petitioner as there was some controversy presented before us that a Criminal Case under Section 342/322 amounting to an offence under Section 385 of I.P.C. was pending against the petitioner. We would now recall the order dated 18.10.1993 passed in Misc. application No.595 of 1993 and we would direct the Senior Superintendent of Post Offices, Bhubaneswar Division to consider the cases of all the candidates who have applied for the post in question ^{including the person} and after adjudicating the suitability of different incumbents, whoever is found to be suitable, appointment order should be issued in his/her favour. In case there is any chargesheet pending against the petitioner Shri Priya Charan Mohanty under Section 342/322 I.P.C., that relates to his personal matter which has nothing *VR*

to do with official duties and therefore, on that account the petitioner should not be disabled for being considered to the post of E.D.B.P.M., Sahadapada Branch Post Office. We say so because final adjudication of suitability of different incumbents and appointment to the post in question should be expedited without causing unnecessary delay on very minor ^{material} offence. Thus the application is accordingly disposed of. No costs.

4. This order is passed after hearing Mr.B.S. Tripathy, learned counsel for the petitioner and Mr.U.B. Mohanapatra, learned Standing Counsel appearing for the Central Government.


MEMBER (ADMINISTRATIVE)

18 JAN 94


18.1.94.

VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench Cuttack
dated 18.1.1994/ B.K. Sahoo