

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO:649 OF 1993

Date of decision:January 25,1994

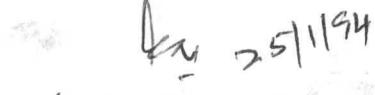
Dillip Kumar Rout ... Applicant
Vs.
Union of India & Others ... Respondents

(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters or not?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not?


(H.RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

25 JAN 94


(K.P. ACHARYA)
VICE CHAIRMAN

25/1/94

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In the Central Administrative Tribunal
Cuttack Bench: Cuttack.

Original Application No. 649 of 1993

Date of decision: 25th January, 1994

Dillip Kumar Rout	...	Applicant
	Vs.	
Union of India & Others	...	Respondents
For the Applicant	: M/s Deepak Misra, R.N.Naik, A.Deo, B.S.Tripathy, P.Panda, Advocates.	
For the Respondents	: Mr. Ashok Misra, Senior Standing Counsel(Central).	

CORAM:

THE HONOURABLE MR. K.P. ACHARYA, VICE-CHAIRMAN
&
THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

....

O R D E R

K.P. ACHARYA, V.C.

petitioner's father Shri Ganeswar Rout while working as E.D.D.A cum E.D.M.C. of Panisapada Branch Post Office within the Baripada availed leave for a long period keeping his son Dilip Kumar Rout as a substitute. While the post in question being managed by Shri Dilip Kumar Rout, petitioner, his father Ganeswar Rout has made several applications for allowing him to retire on invalidation ground. No orders are said to have been passed as yet. Hence the petitioner Shri Dilip Kumar Rout has prayed in this application for a direction to the Opposite Parties not to disengage the petitioner as a substitute till a regular selection is made to the post after retirement of the father of the petitioner who is a regular appointee and to allow the petitioner to participate in the regular selection of the post in

question.

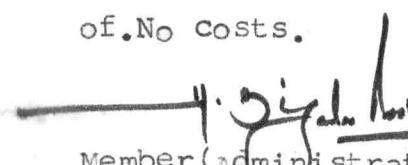
2. In their counter, the Opposite Parties maintain that the case being devoid of merit is liable to be dismissed.

3. We have heard Mr. B.S.Tripathy learned counsel appearing for the petitioner and Mr.Ashok Mishra learned Senior Standing Counsel(Central).

4. The fact that Ganeswar Rout has made an application for allowing him to retire on invalidation ground was not disputed before us. It is not known as to whether by today any orders have been passed on the prayer of Ganeswar Rout but the fact remains that Ganeswar Rout has availed leave for more than 180 days by giving his son as a substitute. In case any process for regular selection has already started or in the alternative if any selection process would be started in future, after dispensing with the services of the petitioner's father Shri Ganeswar Rout on invalidation ground or on the ground that Ganeswar Rout has availed leave for more than the prescribed limited, the case of the petitioner should be considered alongwith others in the regular selection provided that the petitioner makes an application and files the ^{same} statement before the competent authority and the case of the petitioner should be considered alongwith others and suitability should be adjudicated by the competent authority. He/she whosoever is found to be suitable may be appointed to the post in question.

5. Till the final orders are passed by the appointing authority, the Petitioner Shri Dilip Kumar Rout should continue in the post which he is now holding. In case the petitioner is not selected to be a regular appointee and order of appointment is issued in favour of a person other than Shri Dilip Kumar Rout, Petitioner, it is directed that the Petitioner Shri Rout should hand over the charge of the present post which he is now holding to the new appointee within three days from the date of receipt of a copy of the order from the appointing authority failing which Dilip Kumar Rout, Petitioner would be liable to face proceeding for contempt.

6. Thus, the application is accordingly disposed of. No costs.


Member (Administrative)

25 JAN 94


25.1.94
Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench, Cuttack/K. Mohanty,
25th January, 1994.