

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH; CUTTACK.

O. A. NO. 669 OF 1994.

Cuttack, this the 1st day of August, 2000.

Jayanta Kumar Panda & another. ... Applicants.

- Versus -

Union of India & others. ... Respondents.

For Instructions.

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

(G. NARASIMHAM)
MEMBER (JUDICIAL)

S. N. S.
(SOMNATH S. S.)
VICE-CHAIRMAN

9
10
CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 669 of 1994.
Cuttack, this the 1st day of August, 2000.

C O R A M:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN
A N D
THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDL.).

..

1. Jayanta Kumar Panda, Aged about 26 years,
Son of late Ram Prasad Panda of Village-
Khairapadar, PO:Khairapadar, PS:Dharmgarh,
Dist:Kalahandi.
2. Manoj Kumar Patra, Aged about 26 years,
Son of Krishna Mohan Patra of Vill./
PO:Khairapadar, PS:Dharmgarh, Dist.
Kalahandi. Applicants.

By legal practitioner: M/s.S.K. Ray, D. R. Mohapatra, Advocates.

- Versus -

1. Union of India represented by the Chief Postmaster
General, Orissa, Bhubaneswar, Dist. Khurda.
2. Superintendent of Post Offices, At/PO/PS:Bhawanipatna,
Dist:Kalahandi.
3. Employment Officer, At :Employment exchange office,
At/PO/PS:Dharmgarh, Dist.Kalahandi.

... Respondents.

By legal practitioner: Mr. A.K. Bose, Senior Standing Counsel.

..

O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:

S. Som
In this Original Application, the two petitioners have prayed for a direction to the Supdt. of Post Offices, Bhawanipatna, Res. No. 2 to issue call letters to the applicants in pursuance of letter No. 317, dated 27.10.1994 issued by the Employment Exchange Officer for the post of EDBPM, Khairapada Branch Post Office. Departmental Respondents have filed counter opposing the prayer of the applicants.

2. For the purpose of considering this original Application, it is not necessary to go into too many facts of this case. The

admitted position is that for filling up of the anticipated retirement vacancy in the post of EDBPM, Khairpadar BO, selection process was initiated by the Departmental Authorities and the employment exchange authorities were moved in letter dated 22.9.94 to sponsor names of suitable candidates for the post of EDBPM, Khairpadar within a period of thirty days. In response to this, Employment Exchange, Dharmagarh sent a list of ten candidates in his letter dated 21.10.94 which was received in the o/o. the Respondent No. 2 on 24.10.94.

3. Grievance of these two applicants is that they had registered their names in the employment exchange and even though persons whose names have been registered later than them were sponsored by the Employment Officer in his letter dated 21.10.94, their names were not sponsored by the Employment Officer and because of this, they approached the employment exchange authorities, who in his letter dated 27.10.94 issued a second list of 28 candidates. This letter was received by the Res. No. 2 on 31.10.94. Apparently in this letter names of these two applicants have been sponsored. According to the procedures, the Departmental Authorities had issued intimation calling upon the candidates sponsored in the first list to file detailed application alongwith necessary documentation but no such letter has been issued but no such letter was issued to the 28 persons sponsored in the second list and that is why the two applicants have come up in this original Application with the prayer referred to above.

J. Sum

4. Respondents have taken the stand in their counter that the Employment Exchange Authorities should sponsor names within 30 days and if no such list is received or if list is received after the above period, then public notice is to be issued inviting applications from the general public for filling up of the post of EDBPM. Respondents have stated that in this case, Employment

exchange authorities has sent names within a period of thirty days. They have acted on the first list sponsoring ten names.

Departmental Rules did not provide for entertaining the second list of candidates which was also received much after the thirty days period and therefore, the Departmental Authorities have taken no action in the second list.

5. We have heard Mr. AK Bose, learned SSC appearing for the Respondents and have also perused the records.

6. The main grievance of the applicants is that even though they had registered their names in the Employment Exchange, the Employment Officer, Dharamgarh did not sponsor their names but sponsored names of certain other persons who had registered their names after the applicants. Even if this allegation is true then the lapse is of the Employment Officer, Dharamgarh and any lapse on the part of State functionaries in the matter such as this can not be adjudicated before this Tribunal and the proper forum is the Orissa Administrative Tribunal.

7. So far as the appointment of EDBPM is concerned the procedure is laid down in DG Circular dated 4.9.82 gist of which has been printed at pages 89 and 90 of Swamy's compilation of service rules of ED Staffs (7th edition). These instructions provide that if no list is received from the employment exchange or even if the list is received beyond the period of 30 days then public notice is to be issued. There is no provision in these instructions for entertaining the second list sent by the employment exchange authorities much after the period fixed is over.

JJM

8. In view of this, the action of the Respondents in not acting upon the second list can not be found fault with. Moreover, applicants' prayer for a direction to the Respondents to issue them call letters for interview to the post of EDBPM, Khairnadar

Bo is also misconceived because for the post of EDBPM, there is no interview.

9. In view of this, we hold that the application is not entertainable and the same is rejected. No costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

SOMNATH SOM
VICE-CHAIRMAN
10/10/1970

KNM/CM.