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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 54 OF 1995.

CUTTACK, this the 19th day of NOVEMBER, 1998.

BIKRAM KISHORE NAYAK. APPLICANT.

- 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)

Somnath Som,
(SOMNATH SOM)
VICE-CHAIRMAN
1998

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 54 OF 1995.

CUTTACK this the 19th day of November, 1998.

C O R A M:-

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN
AND

THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDICIAL).

...

Bikram Kishore Nayak,
S/o. Brajabandhu Nayak,
At/Po. Ghasiput, Dist. Cuttack. ...

APPLICANT.

By legal Practitioner: M/s. G. A. R. Dora, V. Narasingh, Advocates.

-Versus.-

1. Union of India through the
Director General of Posts Office,
New Delhi.

2. Sr. Superintendent of Post Offices,
Cuttack City Division, Cuttack,
At/Po./Dist. Cuttack-753 001. ...

RESPONDENTS.

By legal Practitioner: Mr. U. B. MOHAPATRA, Additional Standing
Counsel (Central).

ORDER

MR. SOMNATH SOM, VICE-CHAIRMAN :-

In this application, under section 19 of the
Administrative Tribunals Act, 1985, the applicant has
prays for a direction to the Departmental Authorities
for issuing a fresh notification for initiating fresh
selection process for the post of EDBPM, Ghasiput and to
consider and select the applicant to that post with
consequential benefits from 29.12.1994.

S. Som.

2. Facts of the case, according to the petitioner is that, he has all necessary qualifications for being appointed to the Post of E.D.B.P.M. He has passed matriculation in first Division securing 427^{1/2} marks. Initially, there were 36 candidates in the field and ultimately, it was reduced to eight. Amongst these eight candidates, who filed detailed application with necessary documentation, amongst these eight, applicant has got highest percentage of marks but inspite of that, the Departmental Authorities have gone in fresh notification and that is why, he has come up with the aforesaid prayer.

3. Respondents, in their counter, have submitted that in pursuance of the second notification, four candidates including the applicant submitted their application but the process of selection was stayed by the Tribunal in order dated 23.1.1995. It is submitted by the learned counsel for the Respondents that on verification it was found that none of the candidates, including the applicant, eligible because of defects in documentation and that is why fresh selection process was initiated which had been stayed by this Tribunal in order dated 23.1.1995. It is further submitted by the Learned Additional Standing Counsel that in the second selection, the person who got highest percentage of mark could not be considered because he has not filed the income certificate. It is submitted by the learned

J. V. M.

Additional Standing Counsel that the present applicant has furnished all the necessary documents and he has secured second position in marks but as the Tribunal had stayed the selection, appointment order could not be issued. In consideration of this, we dispose of the O.A. by vacating the stay order dated 23.1.95 and by issuing a direction to the Departmental Authorities to complete the process of selection within a period of thirty days from the date of receipt of a copy of this order. We make it clear that in case the applicant is dis-satisfied with the final result of the selection, he is free to approach the Tribunal.

4. With the above observations, the Original Application is disposed of. No costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
11.11.98

KNM/CM