

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION. No. 112 OF 1995.  
Cuttack, this the 12th day of July 2000.

JAYADEV BARIK.

...

APPLICANT.

VRS.

UNION OF INDIA & ORS.

...

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 SEM  
(SOMNATH SEM)  
VICE-CHAIRMAN

(b)

6

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 112 OF 1995.  
Cuttack, this the 12th day of July, 2000.

CORAM:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN

AND

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

..

SHRI JAYADEVA BARIK,  
S/o, Late Giridhar Barik,  
Village/Po; Gadadharpur,  
Via. Ghatgaon,  
Dist; Keonjhar.

: Applicant.

By legal practitioner: Mr. P. K. Padhi, Advocate.

-VERSUS-

1. Union of India represented through its Secretary, Ministry of Communication, Dak Bhawan, New Delhi-1.
2. Postmaster General (Sambalpur Region), At/Po/Dist; Sambalpur.
3. Superintendent of Post Offices, Keonjhar Division, At/Po; Keonjhargarh, Dist; Keonjhar-1.

S. J. P.

: Respondents.

By legal practitioner: Mr. A. K. Bose,

Senior Standing Counsel (Central).

7

ORDER

MR. SOMNATH SOM, VICE-CHAIRMAN;

In this original Application u/s.19 of the Administrative Tribunals Act, 1985, the applicant has prayed for a direction to the Respondents to consider his candidature in the selection process for the post of EDBPM, Gadadharpur Branch Post Office on the ground that his name was previously sponsored by the Employment Exchange. Respondents have filed counter.

2. We have heard Mr. P.K. Padhi, learned counsel for the applicant and Mr. A.K. Bose, learned Senior Standing Counsel appearing for the Respondents and have also perused the records.

3. For the purpose of considering this Original Application, it is not necessary to go into too many facts of this case. As earlier noted, petitioner's prayer is for consideration of his candidature during the process of selection for the post of EDBPM, Gadadharpur Branch Post Office. Respondents in their counter have admitted that the name of the applicant was forwarded by the Employment Exchange at the first instance. They have further stated that in the second instance, the applicant's name was not forwarded. In page-2 of the counter, they have stated that as the name of applicant was not available in the list forwarded by the employment exchange, on the second occasion which is at Annexure-R/4 and since Annexure-R/1 which is the list forwarded by the employment exchange at the first instance which includes the name of the applicant was left by oversight.

JMM

the applicant was not informed to submit detailed application with necessary documentation, but subsequently after review of the matter of four candidates, including applicant sponsored by the employment exchange vide Annex-R/1. <sup>J.J.M</sup> they have been informed to submit their applications with necessary documentation. Applicant has also been informed to submit his detailed application in letter dt. 1.3.1995. Respondents have stated that on receipt of application of the applicant, his case will be considered alongwith others strictly in accordance with rules. Respondents have pointed out that there is one difficulty because of which the selection has not been finalised. Vacancy in the post of EDBPM, arose on 22.12.1993 when the previous incumbent Birabara Barik passed away. While the selection process was going on, one Gajendra Barik, S/o. Birabara Barik came up to this Tribunal in OA No. 733 of 1994 seeking compassionate appointment on account of the death of his father during service. They have stated that Gajendra Barik's case was initially considered for compassionate appointment but was rejected by the Circle Relaxation Committee against that Gajendra Barik had approached the Tribunal in OA No. 733/94. Respondents have stated that the selection process would be finalised taking into account the candidature of the applicant after the OA No. 733/94 is disposed of. In consideration of the above, we see that the relief claim by the petitioner in this Original Application has been agreed by the Departmental Authorities. <sup>to</sup> <sup>J.J.M</sup> In view of this, we dispose of this OA with a direction to the Departmental Authorities that when ~~present~~ <sup>regular</sup> <sup>J.J.M</sup> direction to the Departmental Authorities that when ~~present~~

selection is taken up the candidature of the applicant, shall be considered strictly in accordance with rules for the post of EDBPM, Gadadharpur Branch Post Office.

No Costs.

(G. NARASIMHAM)  
MEMBER (JUDICIAL)

Somnath Som  
(SOMNATH SOM)  
VICE-CHAIRMAN

KNM/CM.