

(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL


CUTTACK BENCH, CUTTACK

O.A./F.A./R.A.No.....176.....1996

.....Chandraswar Mohant.....Applicant (s)

Versus

.....Union of India.....Respondent (s)

Sr. No	Date	Order with Signature
1	26.2.96	<p style="text-align: center;">REGISTER</p> <p style="text-align: center;"> Registrar</p> <p>Heard Shri D.P. Dhalsamant, learned counsel for the applicant. The facts of this case are that the applicant was sponsored by the Employment Exchange for the post of E.D.B.P.M., Asanpat Branch Office. He was asked by Respondent No.2 by a communication dated 2.11.1995 to apply for the post. Accordingly the applicant applied along with necessary documents. Shri Dhalsamant makes out an averment that the applicant has secured the highest mark in the H.S.C. Examination. His apprehension is that he might not be considered on account of the fact that he purchased a land worth of Rs.29,000.00 on 8.2.1995, along with his minor brother Shri Abhaya Kumar Mohant and this land is apart from his share in the joint family property. He states that he has submitted the Income Certificate and Solvency Certificate. He makes an averment that his candidature is not being considered on the ground that the title of the land is not in his name. He apprehends that he will be</p> <p style="text-align: right;">...</p>

D.P.O. of No. 501 =
25 Filedh
23/2In this application
w/o 19, the applicant
has challenged the
selection process of
EDBPM.

For Registration

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23/2
CO.
23.02.96.For Admission 2
stay.

Bench

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23/2

Serial No. of Order	Date of Order	Order with Signature
...2	26.2.96	<p>discriminated against in the matter of selection. Learned Senior Standing Counsel Shri Ashok Mohanty, contends that the application is wholly premature,, and that there is no cause of action. There is no communication of any order rejecting the petition. Even on merits the learned Senior Standing Counsel Mr. Mohanty submits that any property purchased out of H.F. nucleus becomes joint family property and until there is a clear case of ^{tion} partisan, a member of the coparsonery cannot claim absolute right to the said property. He, therefore, states that there is no reason to adjudicate on this issue before any decision is communicated to the applicant by the Selecting Authority. At this stage, learned counsel for the petitioner Shri Dhalasamant, brings to my notice an order of this Tribunal passed in O.A. 1/96, in which under similar circumstances, this Court directed consideration of the candidature of the applicant along with other eligible candidates.</p> <p>Without a valid cause of action there cannot be an adjudication. All the same, the applicant only pleads for consideration of his case. While there is no order so far rejecting the candidature of the applicant, the only plea is that on technical ground his candidature need not be disqualified. This Court normally will not consider any premature claim. At the same time,</p> <p>...</p>

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in view of the apprehensions of the applicant, I would direct Respondent 2 to consider the case of the applicant on merits before a selection is made, if by the time this order^s passed, the selection process is not completed by issuing an order of appointment.

Needless to say the applicant can challenge any such appointment order, if he feels aggrieved that his candidature has been wrongly rejected.

Thus the petition is disposed of at the admission stage itself.

Hand over copies of the orders to the counsel for both sides.

[Signature]
MEMBER (ADMINISTRATIVE)

Order No. 2 dt. 26.2.96

Copy made
given to both
the counsels.

[Signature]
27/2/96

Received a copy

[Signature]
27/2/96

Received copy of the
order dt 26.2.96
along with the copy of
the order on behalf of
Mr. A. M. S. S. S.
27/2/96