

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO.192 OF 1998.
CUTTACK, THIS THE 7TH DAY OF APRIL, 2000.

Smt. Manjula Behera. Applicant.
Vrs.
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)
VICE-CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO.192 OF 1998.
Cuttack, this the 7th day of April, 2000.

CORAM:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN

AND

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

Smt. Manjula Behera, Aged about years,
Wife of Sri Purusottam Nath,
Vill: Pataldiha, Via: Nudadiha, Dist. Mayurbhanj.

: Applicant.

By legal practitioner: M/s. B. S. S. Tripathy, M. K. Rath, Advocates.

-Versus-

1. Union of India represented by its Chief Postmaster General, Orissa Circle, Orissa Secretariat Building, At/Pe: Bhubaneswar, Dist. Khurda.
2. Superintendent of Post Offices, Mayurbhanj Division, At/Pe: /Dist: Mayurbhanj.

: Respondents.

By legal practitioner : Mr. S. B. Jena, Additional Standing counsel.

O R - D - E - R

MR. SOMNATH SOM, VICE-CHAIRMAN:

In this Original Application u/s.19 of the Administrative Tribunals Act, 1985, the applicant has prayed for directing the Respondents to give appointment to the applicant in the post of EDBPMs which are lying vacant. For the purpose of considering this Original application, it is not necessary to go into too many facts of this case. It is only necessary to note that the regular EDBPM of Pataldiha BO has provided the applicant has a substitute on his promotion to the postman cadre. Thereafter a regular selection was made

and in the selection, applicant was not selected. She thereafter approached this Tribunal in O.A. No.470/91 in which there was a stay order and by virtue of such stay order, applicant, though worked as a substitute to the post of EDBPM, continued.

2. Ultimately, her original application No.470/91 was dismissed. A Review Application filed by the applicant was also rejected in order dated 14.1.1994 in RA No.46/93 in which the Tribunal mentioned that in case in future any vacancy arises in nearby village her case may be considered for appointment. It is on the basis of these observations, the applicant has approached the Tribunal again.

3. Respondents have pointed out that even after dismissal of the O.A. 470/91, applicant refused to hand over the charge and ultimately with ^{great} ~~grate~~ persuasion and with the help of the Police charge could be taken over from her only on 14.12.1993 and she had unauthorisedly worked /occupied the post of EDBPM from 16.9.93 to 14.12.1993. Respondents have further stated that from 1993, she has never applied for any ED post nor has given any representation seeking any job. It is only on 5.2.98 after passage of five years she filed a representation for getting some alternative employment. This averments of the Respondents that from 1993 to 1998 she had never applied for any ED post nor has filed any representation for getting a post has not been denied by applicant. From this it is clear that the applicant is only approaching the Tribunal for making a direction without applying to the Departmental Authorities as and when vacancies are notified and vacancies

S. Jom

are notified and applications sought for. In view of this,
we are not inclined to see any direction to the Departmental
Authorities in terms of the prayer made by the applicant in
this Original Application.

4. In view of the above, the Original Application
is held to be without any merit and the same is rejected
but in the circumstances without any order as to costs.

(G.NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN

KNM/CM.