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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION No. 3 OF 1998
Cuttack this the 25th day of January, 2000

KMeghanada Reddy

Applicant(s)

-Versus-

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? 75.
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ?

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
25.1.2000

G. Narasimham
(G. NARASIMHAM)
MEMBER (JUDICIAL)

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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION No. 3 OF 1998
Cuttack this the 25th day of January, 2000

CORAM:

THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND
THE HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)

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K.Meghanada Reddy
S/o. Sri Dasarathi Reddy
Vill/Po: Khambarigaon
Via: Patrapur, Dist:Ganjam (O)

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Applicant

By the Advocates : Mr.P.K.Padhi

-Versus-

1. Union of India represented
by its Chief Post Master General
Orissa Circle, At/Po: Bhubaneswar
Dist: Khurda-751001
2. Sr.Superintendent of Post Offices
Berhampur Postal Division (Gm)
At/Po Berhampur, Dist: Ganjam (O)

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Respondents

By the Advocates : Mr.H.B.Mohapatra
Addl.Standing Counsel
(Central)

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ORDER

MR.G.NARASIMHAM, MEMBER(JUDICIAL): In this application filed on 1.1.1998 praying for issue of direction to Respondent No.2, i.e., Senior Superintendent of Post Offices, Berhampur Postal Division to finalise the selection of Extra Departmental Branch Post Master, Khambarigaon Branch Office, the facts not in controversy are that because of death of the then F.D.B.P.M. of this Branch Office on 27.12.1994, Respondent No.2, the competent authority placed requisition before the Employment Exchange to sponsor the names of eligible candidates for the post. Names of 10 candidates were accordingly sponsored by the Employment Exchange and all of them were instructed to submit their applications in prescribed proforma. Only four candidates including the applicant submitted applications. Out of them one Jagabandhu Mohanty was selected for the post. But before he assumed the charge, his appointment was cancelled. Jagabandhu Mohanty then filed Original Application No.211/95 before this Tribunal challenging the order of cancellation. In view of the pendency of this case and the selection filed having been in the custody of the concerned Standing Counsel, no other person could be permanently appointed. However, as it became difficult to manage the work in the Post Office, on provisional basis, i.e., till the disposal of the O.A.211/95, Shri K.C.Mohanty, one of the candidates, who had secured the highest marks in the selection list has been appointed. These facts mentioned in the counter have not been disputed through any rejoinder.

2. We have heard Shri P.K.Padhi, learned counsel for the applicant and Shri U.B.Mohapatra, learned Addl.Standing Counsel appearing for the respondents. Also perused the records so also the records of O.A.211/95. which is still pending.

The prayer in this Original Application, as already stated, is for issue of direction to finalise the selection process. In fact the selection process was finalised and one Jagabandhu Mohanty was selected for appointment. This fact hasnot been mentioned in the Original Application. The averments made in the Original Application would mean that ⁱⁿ /respect of selection process initiated in February, 1995, the same was finalised till the date of filing of this application. These averments are not correct, because of the facts mentioned in the counter which have not been refuted.

Though at one time selection was finalised in selecting Jagabandhu Mohanty, it was cancelled before Jagabandhu Mohanty could assume the charge and since Jagabandhu Mohanty filed O.A.21/95 challenging the cancellation and the selection file having been in the custody of the concerned Standing Counsel of the Department, apparently appearing in that case, no direction can be given at this stage to finalise the selection, that too until O.A.211/95 is disposed of. In this application there is no prayer challenging the provisional appointment of Shri K.C.Mohanty. Hence the facts /whether provisional appointment of Shri K.C.Mohanty has been justified are not need not be gone into in this O.A., more so, when Shri K.C.Mohanty has not been impleaded as respondent in this application.

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In the result we do not see any merit in this application which is accordingly dismissed, but without any order as to costs.

Somnath Son
(SOMNATH SON)
VICE-CHAIRMAN
25.1.2000

B.K.SAHOO

25.1.2000
(G.NARASTIMHAM)
MEMBER(JUDICIAL)