

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 333 OF 1998.

Cuttack this the 7th day of January, 1999.

Shri Hrusikesh Jena. 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
1.1.99

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 333 OF 1998.

CUTTACK, this the 7th day of JANUARY, 1999.

C O R A M:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN.

AND

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

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Shri Hrusikesh Jena, aged about 21 years,
Son of Manmath Jena, vill./po: Bancho,
Via: Fakirpur, Dist. Keonjhar.

... APPLICANT.

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

- versus -

1. Union of India represented by its
Chief Postmaster General (Orissa Circle),
At/Po: Bhubaneswar, Dist. Khurda-751001.

2. Superintendent of Post Offices,
Keonjhar Division, At/Po: Keonjhar Garh,
Dist. Keonjhar-753001.

... RESPONDENTS.

By legal practitioner : Mr. Anup Kumar Bose, learned
Senior Standing Counsel (Central).

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MR. SOMNATH SOM, VICE-CHAIRMAN:

In this Original Application under section 19
of the Administrative Tribunals Act, 1985, the Applicant
has prayed for a direction to the Superintendent of
Post Offices, Keonjhar Division (Respondent No. 2) for
considering his case for the post of Extra Departmental
Branch Post Master, Bancho Post Office in Keonjhar Postal
Division.

S Som.

2. Facts of this case, according to the Applicant

are that he has all the qualifications for being appointed to the Post of Extra Departmental Branch Post Master. For filling up of the post of Extra Departmental Branch Post Master, Bancho post Office in Keonjhar Postal Division, the Departmental Authorities have called for names from the Employment Exchange. In response to which, the Employment Exchange Officer, forwarded certain names to the Departmental Authorities. Even though, the applicant had registered his name in the Employment Exchange, his name was not forwarded. He had also made an application, directly, to the Res. No.2 on 25/5/93 but he apprehends that his candidate will not be considered and that his how, he has come up in this application with the prayer referred to earlier. He has submitted that restricting the selection only for the candidates sponsored by the Employment Exchange, is violative of Article 14 and 16 of the Constitution of India.

3. Respondents, in their counter, have pointed out that the vacancy in the Post of Extra Departmental Branch Post Master, Bancho Branch Post Office came about because the existing incumbent was put off duty being involved in a Departmental proceeding. The employment Exchange Officer was asked to sponsor names for the above post. Employment Exchange Officer, sponsored eight names who were asked to file detailed application with necessary documentation. Out of eight candidates, six candidates submitted their applications but all these applications

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were rejected as none of them submitted all the required documents. AS all the names sponsored by the Employment Exchange were rejected, Respondent No. 2 issued a Public Advertisement on 24-3-1998 inviting applications in the prescribed form on or before 16-4-1998. In response to this public notification, nine applications have been received. Respondents have pointed out that the applicant did not submit his application within the last date and therefore, his candidature can not be considered. In this case, we find that a public notification was issued at Annexure-R/2 in which it has been mentioned that applications must be received on or before 16-4-1998. Applicant, on his own admission, filed his application on 25-5-1998 by a registered letter which is at Annexure-4. As the Departmental Authorities called for applications from the general public by a certain date and within the last date, the applicant did not submit his application, he has no right to claim that his candidature should be considered. This prayer of the applicant, is, therefore, held to be without any merit and rejected.

4. AS regards his submission that consideration should not be confined to the names sponsored by the Employment Exchange, this point is no longer valid because in the counter, Departmental Authorities have indicated that they have rejected all the names sponsored by the Employment Exchange and again issued public notification.

Sd/-

5. In view of the above, we hold that the applicant has not been able to make out any case for the relief claimed by him in this Original Application. In the result, therefore, the Original Application is dismissed but in the circumstances, there would be no order as to costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
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KNM/CM.