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CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.448 OF 1998  
Cuttack, this the 5<sup>th</sup> day of January, 2004

Smt.Krushna Sahoo .....

Applicant

Vrs.

Union of India and others .....

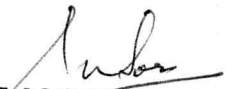
Respondents

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

  
05/07/04  
(M.R.MOHANTY)  
MEMBER(JUDICIAL)

  
(B.N.SOM)  
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 448 OF 1998  
Cuttack, this the 5th day of January, 2004

CORAM:

HON'BLE SHRI B.N.SOM, VICE-CHAIRMAN  
AND  
HON'BLE SHRI M.R.MOHANTY, MEMBER(JUDICIAL)

Smt.Krushna Sahoo, aged about 31 years, wife of Muralidhar Sahoo, At/PO  
Mahulia, Via Barambagarh, District Cuttack

Applicant

Advocates for the applicant

- M/s B.S.Tripathy & M.K.Rath

Vrs.

1. Union of India, represented through Chief Postmaster General, Orissa Circle, Bhubaneswar.
2. Superintendent of Post Offices, Cuttack South Division, Cuttack.
3. Sub-Divisional Inspector (Postal), Athagarh Sub Division, At/PO Athagarh, Dist. Cuttack.

Respondents

Advocate for the Respondents

- Mr.S.B.Jena, ACGSC

ORDER

SHRI B.N.SOM, VICE-CHAIRMAN

Smt. Krushna Sahoo has filed this Original Application seeking the

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following reliefs:

- a) To pass appropriate orders directing the respondents to adjust the applicant in the post of EDBPM, in Abhimanpur B.O.
- b) To pass such further order/orders as may be deemed fit and proper in the facts and circumstances of the case and allow the O.A. with costs."

2. The facts of the case are that the applicant was selected for the post of Extra Departmental Branch Post Master, Mahulia B.O., in July 1990. But she was not appointed, upon which she had approached this Tribunal in OA No. 732 of 1993. The Tribunal by its order dated 11.1.1994 had directed the Respondents to accommodate her in any ED post in a nearby post office, and she was appointed as EDDA in Harianta B.O. , under Choudwar S.O. The applicant alleges that being a married lady, having three children, she was finding it difficult to carry on with her job commuting from her native village to Harianta B.O. Therefore, she had again approached the Tribunal in OA No. 634 of 1995 for a direction to the Respondents to appoint her as ED Packer in Maniabandha B.O. This O.A. was dismissed by the Tribunal on 30.10.1995. She has now submitted in this O.A. that a vacancy of EDBPM has occurred at Abhimanpur B.O. and she may be adjusted against that vacant post.

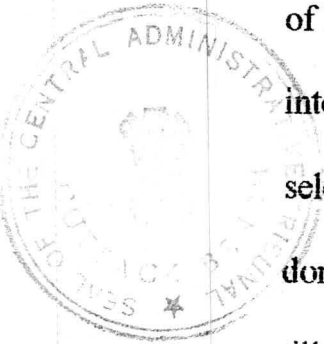


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3. The Respondents, while admitting the facts of the case, have submitted in their counter that the candidature of the applicant for absorption as EDBPM, Abhimanpur B.O., is under consideration along with other ED Agents who have applied for the post. However, in the meantime, one Shri Dilip Kumar Bchera, an outsider applicant for the post of EDBPM, Abhimanpur, filed OA No.13 of 1999 and the Tribunal by an interim order dated 19.1.1999 directed that "in case any SC/ST candidate is selected for the post, then the appointment of such candidate should be done by the Respondents with the leave of the Court." This order was valid till 2.2.1999 only. They have also submitted that no final decision could be taken in this case for adjustment of the applicant as EDBPM, Abhimanpur as the matter is to be decided strictly in terms of the departmental instructions contained in Annexure R/6.

4. We have heard the learned counsel for both the parties and have also perused the records placed before us.

5. This short point in the O.A. to be answered is that the applicant seeks a transfer from the present post to a post located in her native village Branch Office. But transfer is not an incidence of engagement of ED Agent/GDS. However, provisions have been made by the Respondent-Department to consider appointment of ED Agents in a vacant post on



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transfer on request before considering outsider candidates for regular appointment. The Respondents have admitted that they were considering the application of the applicant along with other ED Agents who had also applied for the post. During argument, it was disclosed by the learned Additional Standing Counsel, appearing for the Respondents, that no regular appointment has yet been made against the post of EDBPM, Abhimanpur B.O. In the circumstances, we would like to dispose of this OA with a direction that the Respondents should consider all the pending cases for appointment on transfer to the post of EDBPM, Abhimanpur B.O., in terms of the departmental instructions and rules on the subject, within a period of 90 (ninety) days from the date of receipt of this order and make the selection of the most deserving candidate setting reasonable yardsticks for assessing relative merit of each of the candidates with due fairness and impartiality.

6. With the above observation and direction, the Original Application is disposed of. No costs.

  
(M.R. MOHANTY)  
MEMBER (JUDICIAL)

  
(B.N. SOM)  
VICE-CHAIRMAN

AN/PS