

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO: 539 OF 1998.

Cuttack, this the 24th day of August, 2000.

GOPAL CH. PANDA.

...

APPLICANT.

VRS.

UNION OF INDIA & ORS.

...

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
2000
S. Jam.

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Cuttack the 24th day of Aug., 2000.

CORAM:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN
AND
THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDICIAL).

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GOPAL CHANDRA PANDA,
Aged about 33 years,
S/o. Ganesh Chandra Panda,
Village-Mugapada (Biruhan),
PO: Udrang, PS/Dist: Jajpur.

.... APPLICANT.

By legal practitioner: M/s. R.C. Rath, P.K. Rath, B. Sahu, S.K. Panda,
Advocates.

- VERSUS -

1. Union of India represented through its Secretary, Ministry of Communications, Sanchara Bhawan, New Delhi.
2. The Chief Postmaster General of Orissa, Bhubaneswar, Dist: Khurda.
3. Superintendent of Post Offices, Cuttack, Northern Division, Cuttack.
4. Asst. Supdt. of Post Offices, Kendrapada Sub Division, Kendrapada.

... RESPONDENTS.

By legal practitioner: Mr. B.K. Nayak, Additional Standing Counsel.

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ORDER

MR. SOMNATH SOM, VICE-CHAIRMAN:

In this Original Application the applicant has prayed for quashing the notification dated 9.9.1998, at Annexure-2 inviting applications from the general public for filling up of the post of EDSPM, Ratnagiri Branch Post Office. His second prayer is for a direction to the Respondent No. 3 to issue appointment order in pursuance of the selection held considering the names which came through requisition made to the Employment Exchange Officer, Jajpur.

2. For the purpose of considering this petition, it is not necessary to go into too many facts of this case. The Ratnagiri BO admitted position is that the vacancy of EDSPM arose due to superannuation of the earlier incumbent and the Employment Exchange Officer, Jajpur was asked to sponsor names giving preference to ST community. 40 names were sponsored out of which seven candidates including the applicant applied for the post. Respondents have pointed out that the applicant did not furnish all the necessary documents and as such he was not considered and Shri Chittaranjan Kar was selected in the post and was directed to take residence in his post village. At that time, the then Supdt. of Post Offices one P.C. Behera issued the notification at Annexure-2 calling for applications from the Employment Exchange but the subsequent Supdt. of Post Offices one Shri V. Varahalu took the stand that the selection process has been initiated prior to issuing the DG Posts letter dated 19th August, 1990 in which it was directed that for filling up of the post of EDAS, alongwith requisitions to the Employment Exchange, public notification should also be issued. Circular also provides that this procedure

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shall not be applied to the cases where the selection process had already been initiated. In view of this, initially the succeeding SPO decided not to act upon the notification at Annexure-2. It has been submitted by learned counsel for the petitioner that another candidate for the same post came up before this Tribunal in OA No.606/98 which was disposed of in order dated 6.8.1999. In that order, this Tribunal took into the fact that even before issuing the circular dated 19.8.98 by the DG posts, the Hon'ble Supreme Court in the case of Supdt. of Excise, Malkapuram held that besides calling for names from the Employment Exchange, public notification should also be issued. Basing on this in OA No.606/98, a direction was issued to act upon on the notification. It is submitted by Mr. Nayak, learned Additional Standing Counsel that after the above order of the Tribunal in OA No.606/98, the Respondents have acted and finalised the selection to the post of EDSMP, Ratnagiri and the selected candidate has already joined. As in the earlier case, we had directed the Respondents that public notice should be acted upon there is no case for quashing the public notice as prayed for by the applicant because of reasons indicated by us in our order dated 6.8.1999 in O.A.No.606/98. This prayer, is therefore, held to be without any merit and is rejected.

3. As regards the second prayer which is consequential to the first prayer that the selection should be confined to the persons sponsored by the Employment Exchange. The second prayer is also held to be without any merit and is rejected more so when a person has been selected and has joined the post.

4. In the result, therefore, the application is held to be without any merit and is rejected. No costs.

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(G. NARASIMHAM)
MEMBER (JUDICIAL)

Parmanath Singh
SOMNATH SOM
VICE-CHAIRMAN
2000