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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 671 OF 1998

Cuttack, this the 5th day of January, 2004

Sri Surcsh Chandra Sahoo Applicant

Vrs.

Union of India and others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not? *no*
2. Whether it be circulated to all the Benches of the Central Administrative
Tribunal or not? *no*


(M.R.MOHANTY)
MEMBER(JUDICIAL)


(B.N.SOM)
VICE-CHAIRMAN

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CORAM:

HON'BLE SHRI B.N.SOM, VICE-CHAIRMAN
AND

HON'BLE SHRI M.R.MOHANTY, MEMBER(JUDICIAL)

.....
Sri Suresh Chandra Sahoo, aged about 29 years, son of Rama Chandra Sahoo, Village Katara, P.O.Katara, P.S. Tirtol, Dist. Jagatsinghpur

.....
Applicant

Advocate for the applicant - Mr. T. Rath.

Vrs.

1. Union of India, represented through the Chief Post Master General, Orissa, Bhubaneshwar, At/PO Bhubaneshwar, Dist. Khurda.
2. Superintendent of Post Offices, Cuttack South Division, Cuttack, At/PO/Dist. Cuttack.
3. Assistant Superintendent of Post Offices, In-charge, Jagatsinghpur Sub-Division, At/PO/Dist. Jagatsinghpur.
4. Sri Narahari Tarai, at present working as Extra Departmental Mail Carrier, Galadhar Branch Post Office, At/PO Galadhar, Via Debidol, Dist. Jagatsinghpur

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Advocate for the Respondents - Mr. A.K. Bose, Sr. CGSC. Respondents

ORDER

SHRI B.N.SOM, VICE-CHAIRMAN

Shri Suresh Chandra Sahoo has filed this Original Application, being aggrieved that his application for the post of EDMC, Galadhari B.O., was not considered by the Respondent-Department.

2. The case of the applicant is that he had submitted an application to Respondent No.3 on 18.11.1998 as an OBC candidate for his selection to the post of EDMC, Galadhari B.O. He had also submitted necessary certificates with his application. However, the applicant on personal contact on 17.12.1998 came to know that his application had not been taken into consideration, along with others, as his name was not sponsored by the Employment Exchange. The applicant has assailed this decision of Respondent No.3 as violative of Article 16 of the Constitution. He has also submitted that Respondent No.3 was duty bound under Director General, Posts, instructions dated 4.9.1982 to give public notification for filling up the post simultaneously with requisitioning names from the Employment Exchange.

3. The departmental Respondents have contested the application by submitting a detailed counter. They have submitted that the name of the applicant was not sponsored by the Employment Exchange, Jagatsinghpur, but he had applied for the post as per the interim order of this Tribunal dated 22.12.1998. They have also stated that accordingly his candidature was taken into

consideration at the time of selection along with the eligible candidates sponsored by the Employment Exchange.

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

5. In course of hearing, it was brought to our notice that the selection to the post of EDMC, Galadhar B.O. has been found to be illegal and therefore, quashed by us vide our order dated 18.2.2002 in OA No. 228 of 1999. It has also been disclosed by the departmental Respondents that the said order of the Tribunal has been carried in Writ Petition(Civil) No. 4205 of 2003 to the Hon'ble High Court of Orissa, which is pending. In view of the said development in the case, this Original Application has become infructuous and accordingly the same is disposed of. No costs.

Yachas
05/01/04
(M.R.MOHANTY)

MEMBER (JUDICIAL)

AN/PS

lml
(B.N.SOM)
VICE-CHAIRMAN