

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 72 OF 1998.
Cuttack, this the 4th day of August, 1999.

Krushna Chandra Bhuyan. 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)
VICE-CHAIRMAN

Somnath Som
4.8.99

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 72 OF 1998.
Cuttack, this the 4th day of August, 1999.

C O R A M:

THE HONOURABLE MR. SOMNATH SOM, VICE- CHAIRMAN

AND

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

Krushna Chandra Bhuyan, aged about 31 years,
S/o. Late Bhagaban Bhuyan, of Village-Dhanupada,
Po. Padasingh, Via. Ramaswar, PS. Salipur, Dist.
Cuttack. APPLICANT.

By legal Practitioner : M/s. R.K. Naik, C. R. Swain, S. Lenka,
Advocates.

-VERSUS -

1. Union of India represented through its
Secretary, Department of Posts, Government
of India, At-Central Secretariat, New
Delhi.
2. Senior Superintendent of Post Offices,
Cuttack City Division,
At/Po/Ps/Dist. Cuttack.
3. Sub Divisional Inspector (Postal),
Cuttack (West) Sub Division,
Cuttack. RESPONDENTS.

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

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O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:

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In this Original Application, under section 19 of
the Administrative Tribunals Act, 1985, applicant has prayed
for a direction to Respondents 2 and 3, i.e. Senior suptd.
of Post Offices, Cuttack City Division, Cuttack and Sub-
Divisional Inspector (Postal), Cuttack (West) Sub Division,
Cuttack to permit applicant to join as Extra Departmental
Branch Post Master of Khandala Branch Post Office after

verifying his documents at an early date. The second prayer is for a direction to the Respondents to allow him all consequential service and financial benefits from the date of his appointment order, at Annexure-2.

2. By way of interim relief, it has been prayed that during the pendency of the original Application, Respondents be restrained from giving appointment to any body other than applicant as Extra Departmental Branch Post Master of Khandala Branch Post Office. On the date of admission of application, by way of interim relief, it was ordered that the post of EDBOM, Khandala BO, should not be filled up till 24-2-1998. This interim order is continuing till date.

3. For the purpose of considering this petition, it is not necessary to go into too many facts of this case. The admitted position is that for the post of EDBPM, Khandala Branch Post Office, applicant was selected after a due process of selection and in letter dated 19.5.1997 at Annexure-2, the Senior Superintendent of Post Offices, Cuttack City Division, Cuttack, Respondent No. 2, has intimated the Respondent No. 3 that applicant is proposed to be appointed as EDBPM, Khandol BO subject to satisfactory result of verification of required documents/certificates etc. Therefore, Respondent No. 3 was directed to verify the documents and submit a report. Applicant's case is that Respondent No. 3, in his turn sent a letter dated 5.7.97 to applicant directing him to come to Khandol BO on 10.7.1997 between 12 hours to 15 hours with all educational certificates and other documents for verification. Applicant

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states that he was suffering from viral fever and therefore, he could not go to Khandol BO but requested the Respondent No. 3 to verify the documents. His case is that Respondent No. 3 verified all documents and directed applicant to send a petition praying for an adjournment for verification of documents so that another date will be fixed. Applicant states that he was ill from 9.7.1997 to 12.7.1997 and inspite of his illness, he appeared before the Respondent No. 3 and requested him to verify the documents in his office. It is stated that on 10.7.1997, he sent a petition to Respondent No. 3 with copy to Respondent No. 2 explaining his grievance but he did not get any response. Ultimately, he brought this fact again to the notice of Respondent No. 2 through Regd. letter with A/D on 6.1.1998 but no further action was taken. Applicant has further stated that the authorities without considering the case of applicant, are going in a ~~for~~ fresh selection and that is how, he has come up in this petition with the prayers referred to above.

4. Respondents, in their counter have stated that the SDIP's letter directing applicant to come to Khandol BO on 10.7.1997 with copies of educational certificates and other documents was received by applicant on 8.7.1997 but he neither responded to SDI(P) nor represented for another date for verification. He kept absolutely silent and ultimately a fresh notice was issued on 28.10.1997 inviting fresh application for that post. Respondents have stated that it is only on 6.1.1998, after a long gap, applicant represented to Senior Supdt. of Post Offices to consider his

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case. As the recruitment process and selection in pursuance of fresh notification was not finalised, applicant has been given a fresh chance and the SDI(P) has again been asked to conduct necessary verification work of documents of applicant. Respondents have stated that verification work has now been completed. It was pending for a reply from the Tahasildar, Salipur, which has also been received on 15.1.1999, but as the interim stay was continuing, selection process, could not be finalised. Respondents have denied the averments of applicant, about the approaching of Res. No. 3 and writing letters to him prior to letter dated 6.1.1998, which according to Respondents, was the first response from the applicant, which was received by them.

5. We have heard Mr. R. N. Naik, learned counsel for applicant and Mr. B. K. Nayak, learned Additional Standing Counsel appearing for Respondents and have perused the documents.

6. From the pleadings of the parties, it is clear that applicant after getting notice on 8.7.1997 to appear at Khandol BO and produced all the documents, sat over the matter and only responded on 6.1.1998 but as Departmental Authorities have agreed to give him a chance and in accordance with that SDI(P) was directed to verify the documents of applicant and the documents have been verified, we need not go into the aspect of the inaction of the petitioner from 8.7.1997 to 6.1.1998. Respondents have not indicated in their counter what was the result of the verification. The letter, at Annexure-2, is not an appointment order issued to applicant. It is only a letter

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sent to applicant to produce the documents for verification. In view of the above, we dispose of this original Application by issuing a direction to Respondents that as the verification work with regard to the candidature of applicant has been completed, Respondents should act in accordance with the final out-come of the verification. In case his documents have been found satisfactory and other points verified have gone in favour of applicant, then he should be issued the order of appointment within a period of thirty days from the date of receipt of a copy of the order. In case, at the stage of verification, his candidature has been rejected, then no further action is required to be taken with regard to applicant except to intimate him about the result of verification. The first prayer of applicant is disposed of in terms of the observations and directions given above.

7. The second prayer of applicant to give him the financial and service benefits from the date of the order at Annexure-2 is absolutely without any merit because this order as we have already noted is for verification of the documents of applicant. This is not an order of appointment and therefore, he is not entitled to any financial and service benefits from the date of the order at Annexure-2. This prayer is held to be without any merit and is rejected.

8. In the result, the original Application is disposed of in terms of the observation and direction given above. No costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

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(SOMNATH SOM)
VICE-CHAIRMAN
18.9.99