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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 117 OF 1999  
Cuttack this the 7<sup>th</sup> day of September/2000

John.

Rashmيرانjan Mishra

...

Applicant(s)

-VERSUS-

Union of India & Others

...

Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? No.
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? No.

*Sumnath Som*  
(SUMNATH SOM)  
VICE-CHAIRMAN

*L. Narasimham*  
(G. NARASIMHAM)  
MEMBER (JUDICIAL)

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CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 117 OF 1999  
Cuttack this the 7<sup>th</sup> day of September/2000  
Jdm.

CORAM:

THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN  
AND  
THE HON'BLE SHRI G.NARASIMHAM, MEMBER (JUDICIAL)

...

Shri Rashmيرانjan Mishra  
aged about 30 years  
S/o. Nilakantha Mishra  
At/PO: Biranarasinghpur  
Part-II  
Dist - Puri

...

Applicant

By the Advocates

M/s. A.K. Mishra  
B.B. Acharya  
J. Sengupta  
D.K. Panda  
P.R.J. Dash  
C. Mohanty

-VERSUS-

1. Union of India represented through  
it's Secretary/Director General of  
Posts,  
Dak Bhawan, New Delhi
2. Chief Post Master General, Orissa  
Circle, Bhubaneswar  
Dist - Khurda
3. Manager,  
Postal Printing Press  
Nancharwar Industrial Estate  
Rasulgarh, Bhubaneswar-10

...

By the Advocates

Respondents

Mr. A.K. Bist.  
Mr. S.B. Jena,  
Senior Addl. Standing Counsel  
(Central)

O R D E R

MR.G.NARASIMHAM, MEMBER (JUDICIAL) : In this Application praying for issue of direction on Respondent No.3 to appoint the applicant as Wireman Gr.II immediately, the applicant in response to the advertisement dated 5.8.1996 (Annexure-A/1) issued by Respondent No.3, who is the Manager, Postal Printing Press at Bhubaneswar for one post of Wireman Gr.II and other posts including posts of Bindery Assistants and Machine Attendants, the applicant being eligible had applied for the post of Wireman Gr.II. On being successful in the recruitment process he was selected for the appointment in order dated 26.2.1997 of the Respondent No. 3 (Annexure-A/2). However, he was not favoured with any order of appointment inspite of repeated reminders although in the mean time Ajit Kumar Das, Pramod Kumar Behera, Subrat Kumar Ray and Kina alias Kamalesh Pradhan selected for different posts under Annexure-2 dated 26.2.1997 have been issued with appointment orders. These facts averred by the applicant are not in dispute.

2. Respondents, however in their counter take the stand that though the applicant was selected for the provisionally in view of the recommendation of the Vth Central Pay Commission disbandment of Postal Printing Press, the Chief P.M.G., Orissa imposed ban on appointments and consequently appointment orders had not been issued to the applicant. Further, mere selection to the post does not confer any right on the applicant for appointment. Further the work of Wireman Gr.II is being managed smoothly by the existing staff. Ajit Kr.Das, Pramod Behera and Subrat Ray were appointed as Bindery Assistants and Kamalesh Pradhan as Machine Attendant pursuant to the direction of this Bench in Original Application Nos.39/98 and 40/98 and

those posts were more essential than Wireman Gr.II.

3. The applicant in the rejoinder, besides advancing the plea of Legitimate Expectation, submits that recommendation of the Vth Pay Commission may not ultimately <sup>be</sup> accepted by the Govt. and the Chief P.M.G. was not within his purview to impose such ban orders. This aspect of the matter has been dealt by this Bench in the common order dated 21.10.1998 finally disposing of the Original Application Nos. 39 and 40 of 1998, a xerox copy of which is made part of this record.


4. Heard Shri A.K.Mishra, learned counsel for the applicant and Shri A.K.Pose, learned Sr.Standing Counsel for the respondents. Also perused the record.

5. It is not the case of the Department that in the meanwhile the Government have decided to disband the Postal Printing Press on the recommendation of the Vth Pay Commission. A perusal of the final order in O.A.Nos.39 and 40 of 1998, it reveals that the applicants therein though selected for the posts of Bindery Assistants and Machine Attendant vide order dated 26.2.1997 (Annexure-A/3 of the present case) approached this Tribunal when appointment orders were not issued. The Department as in this case in those cases also took the plea of the ban order of the Chief Post Master General pursuant to the recommendation of the Vth Pay Commission. After an elaborate discussion, we directed to issue appointment orders. We do not agree with the plea of the Department that work of Wireman Gr.II is being managed smoothly by the existing staff, because in such case there would not have been any necessity to advertise to fill up this vacant post.

6. For the reasons discussed above we direct the

Respondents to issue appointment orders for the advertised post of Wireman Gr.II in favour of the applicant within 30 (Thirty) days from the date of receipt of copy of this order. However, we make it clear as in O.A. Nos. 39 and 40 of 1998 that in case the Government <sup>ultimately</sup> ~~intermittently~~ takes a decision to disband the Press, the applicant will not have any claim for continuance in the post. No costs.

  
(SOMNATH SOM)  
VICE-CHAIRMAN

 7.9.2000  
(G.NARASIMHAM)  
MEMBER (JUDICIAL)

B.K.SAHOO//