

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 242 OF 1999.

Cuttack, this the 22nd day of September, 1999.

santosh Kumar Gamayak. Applicant.
vrs.
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.

22.9.99
(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
22.9.99

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CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 242 OF 1999.
Cuttack, this the 22nd day of Sept., 1999.

CORAM:

THE HONOURABLE MR. SOMNATH SOM, VICE - CHAIRMAN

AND

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

Shri Santosh Kumar Garnayak, Aged about 33 years,
Son of Bhaskar Garnayak, resident of Village-
Kadala, PO. Kadala, via. Meramunduli, Dist.
Dhenkanal.

... Applicant.

By legal practitioner : Mr. T. Rath, Advocate.

-versus-

1. Union of India represented through
the Chief Postmaster General,
Orissa Bhubaneswar, At/Po.
Bhubaneswar, Dist. Khurda.
2. Postmaster General,
Sambalpur Regional,
At/Po/Dist. Sambalpur.
3. Superintendent of Post Offices,
Dhenkanal Division,
At/Po/Dist. Dhenkanal.

... Respondents.

By legal practitioner : Mr. A.K. Bose, learned Senior Standing
Counsel (Central).

....

J. Som.

O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:

In this Original Application under section 19 of the Administrative Tribunals Act, 1985, applicant has prayed for a direction to the Respondents to hand over the charge of the Post of EDBPM, Kadala Branch Post Office, to the applicant immediately and to allow him to discharge his duties.

2. For the purpose of deciding this Original Application, it is not necessary to go into too many facts of this case. The admitted position is that for the post of EDBPM, Kadala Branch Post Office, the applicant was duly selected through a process of selection and he had to undergo the training after which he will be required to take over the charge. Because of the strike of the postal Departmental, the training was delayed. It is the case of the applicant that after the completion of training, the Departmental Authorities did not allow the applicant to join and that is how he has come up in this Original Application with the prayers referred to earlier.

3. Respondents, in their counter have stated that before the applicant could be allowed to join a complaint was received from the public as also from another candidate by the Postmaster General, Sambalpur Respondent No. 2. Accordingly, Respondent No. 2 called for the selection file from the Office of the Respondent No. 3 and directed Res. No. 3

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not to issue appointment order to the applicant and not to allow him to join. In view of this, Respondents have opposed the prayer of applicant.

4. We have heard Mr. T.Rath, learned counsel for the Applicant and Mr. A.K. Bose, learned Senior Standing Counsel appearing for the Respondents and have also perused the records. It is submitted by learned counsel for the petitioner that from the counter filed by Respondents, it appears that the review has since been completed and therefore, the Departmental Authorities must be directed to allow the applicant to join. We are unable to accept the above contention. The relevant sentence of the counter is quoted below:

"Accordingly, the Respondent No.3 stopped appointment of the applicant to the post of EDBPM, Kadala BO and submitted selection file to the Respondent No.2 for review. The selection file is still under review and returned on dated 16.6.1999 and the work of the BPM is being managed on adhoc appointment".

It is submitted by learned counsel for the petitioner that as the file has been returned, it must be presumed that the review has already been completed. We are unable to accept this proposition because Respondents in their counter have specifically submitted that the review is still on. In view of this, this submission of learned counsel for the applicant is rejected.

5. At the same time, it is a fact that the applicant is a regularly selected candidate who has been kept out of his employment because of a public complaint filed in the matter of selection details of which are not before us.

In view of the above, the Departmental Authorities should not take too much of time in completing the review. In consideration of the above, the Original Application is disposed of with a direction to Respondent No.2 that the review should be completed, if not already done, within a period of 30 (thirty) days from the date of receipt of a copy of this order and in case the selection is not decided to be interfered with, the appointment order should be issued to applicant and he should be allowed to join, within fifteen days thereafter. We make it clear that in case as a result of the review, any order is passed to the detriment of the interest of applicant, ^{will be} he / at liberty to approach this Tribunal in another Original Application.

6. With the above observations and directions, the Original Application is disposed of. No costs.

22.9.82
(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
22.9.82

KNM/CM.