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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH; CUTTACK.

ORIGINAL APPLICATION NO. 278 OF 1999.

Cuttack, this the 13th day of July, 2000.

KUMARI DEBAKI MOHANTA. ... 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

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH; CUTTACK.

ORIGINAL APPLICATION NO. 273 OF 1999.
Cuttack, this the 13th of July, 2000.

CORAM:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN

AND

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

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KUMARI DEBAKI MOHANTA,
23 years,
D/o. Sri Bhuvananda Mohanta,
Vill/PO: Bartania, via: Saharpada, Applicant.

By legal practitioner: Mr. P. K. Padhi, Advocate.

-Versus-

1. Union of India represented
through its Chief Postmaster
General, Orissa Circle,
Bhubaneswar, Dist. Khurda-1.
2. Superintendent of Post Offices,
Keonjhar Division,
Keonjhar, Dist: Keonjhar.

: Respondents.

By legal practitioner : Mr. S. Behera,

Addl. Standing Counsel (Central).

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O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:

In this Original Application under section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for quashing the order dated 17.6.1999 in which he was given notice of one month for termination of her appointment as EDBPM, Bartania Branch Post Office. Respondents have filed counter opposing the prayer of the applicant.

2. We have heard Mr. P. K. Padhi, learned counsel for the applicant and Mr. S. Behera, learned Additional Standing Counsel appearing for the Respondents and have also perused the records.

3. For the purpose of considering this original Application, it is not necessary to go into too many facts of this case. It is only necessary to note that for filling up of the vacancy in the post of EDBPM, Bartania Branch Post Office, the applicant's case was considered along with others and she was selected, given training and she joined on 28.7.1996 as mentioned in page 2 of the counter. One Kali C. Mohana, approached this Tribunal in OA No. 42/96 alleging irregularity in the process of selection and the Tribunal in their order dated 15.4.1999 directed that candidatures of all the persons who were within the zone of consideration should be considered afresh by the Departmental Authorities in accordance with the rules and the best person amongst them should be appointed. It is necessary to note that at the time of filing of OA 42/96 on 15.1.96 the present applicant had not been selected and she was not made a party in that

J. J. M.

case. By way of interim order in OA No. 42/96 it was ordered that any appointment made to the post of EDBPM, Bartania BO, shall be subject to the result of this O.A. Therefore, after the OA No. 42/96 has been disposed of Departmental Authorities issued the impugned notice at Annexure-7 of the present application and the applicant has already handed over the charge to Overseer mails on 18.7.1999 as mentioned by learned counsel for the applicant. It has been submitted by learned counsel for the petitioner that in pursuance of the order dated 16.7.1996 at Annexure-2, applicant has joined the post on 28.7.1996 and her services have been terminated on 17.7.1999. She has thus, completed about three years of service minus a few days. It is submitted by learned counsel for the petitioner that termination of her service not because of any lapses on her part and in view of this, according to the existing instructions of the DG Posts name of the applicant shall be kept in a waiting list and she should be offered alternative employment by the Department. From the admitted pleadings of the parties we find that the applicant was originally selected and because of the order of this Tribunal in O.A. No. 42/96 her services have been terminated. She had put in about three years of service and therefore, we direct the Departmental Authorities to keep the petitioner's name in a waiting list and offer her alternative employment as EDBPM in accordance with the Circular of the DG Posts.

4. With the above observations and directions, the OA is disposed of. No costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

KNM/CM.

(SOMNATH SOM)
VICE-CHAIRMAN