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**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK**

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**ORIGINAL APPLICATION NO.613 OF 2000**  
**Cuttack the 22nd Day of May, 2002**

**Sri Rushinath Mallick,  
S/o: Late Magu Ch.Mallick ... Applicant**

**VERSUS**

**Union of India and others ... Respondents.**

**(FOR INSTRUCTIONS)**

1. Whether it be referred to  
Reporters or not ?

*Yes.*

2. Whether it be circulated to  
all the Benches of the Central  
Administrative Tribunal or not?

*No.*

*[Signature]*  
*22/05/2002*

**(M. R. MOHANTY)  
MEMBER (JUDICIAL)**

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CENTRAL ADMINISTRATIVE TRIBUNAL  
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ORIGINAL APPLICATION NO. 613 OF 2000  
Cuttack the 22nd Day of May, 2002

CORAM

THE HON'BLE MANORANJAN MOHANTY, MEMBER (JUDICIAL)

Shri Rushinath Mallick,  
S/o: Late Magu G haran Mallick,  
At/PO: Janakadeipur,  
Via : Borikina,  
Dist: Jagatsinghpur.

.... Applicant

By the Advocates

.... M/s B.K.Mohanty,  
R.Mohanty,  
P.K.Bhuyan,  
S.K.Patnaik.

-VERSUS-

1. Union of India represented  
through Director General of  
Posts, Dak Bhawan,  
New Delhi-110 001.
2. Chief Postmaster General  
Orissa Circle, Bhubaneswar  
Dist : Khurda.
3. Superintendent of Post Offices,  
South Division, Cuttack  
Town/Dist: Cuttack.


.... Respondents

By the Advocate

.... Mr. J.K.Nayak, Ld. A.S.C.

ORDER

MR. M.R.MOHANTY, MEMBER (JUDICIAL): The Applicant, by exercising political influences, was selected and appointed as E.D.B.P.M. His said selection was held to be bad by this Tribunal; in an earlier occasion in Original Application No.493 of 1991, which was disposed of on 18.01.1994. Instead of handing over charge to the departmental staff, the present



Applicant at that time, approached this Tribunal in a Review Application No.4 of 1994; which was dismissed on 01.02.1994. Thereafter, the Applicant approached this Tribunal in another Original Application No.761 of 1995 and obtained an order on 20th December,1995 which is at Annexure-01 of the present Original Application. The text of the order dated 20.12.1995 (as rendered by this Tribunal in Original Application No.761 of 1995) is extracted below for a ready reference :-

"Applicant who was working as Extra Departmental Branch Postmaster from 28.10.1991 of Janakdeipur Post Office was retrenched on 5.2.1994.

The Applicant states that he has applied for the post of E.D.B.P.M. of Garhbishnupur Post Office and his prayer is that when his case is considered due weightage should be given to his past experience for over two and half years.

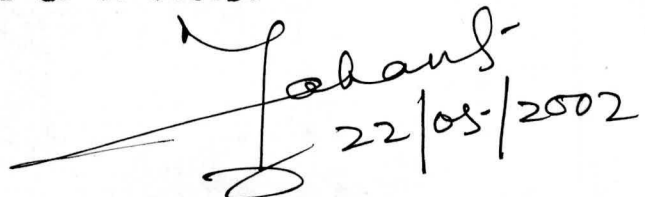
It is stated that under the rules, there is a provision for grant of weightage for past experience/service, while considering persons like the Applicant for E.D.posts. The second respondent is accordingly directed to grant the weightage to which the applicant is entitled for his past service when his case is being considered for selection. The application is disposed of accordingly. No costs."

(2) Apparently the Applicant has not yet been able to be selected for any E.D. posts in the Postal Department. In the said premises, the Applicant has filed the present Original Application No.613 of 2000; in which a contesting counter has been filed by the Respondents/ Department.

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(3) The Applicant has not directed this case as against any particular recruitment. There are no merit in this case. The Advocate for the Applicant, however, prays, at hearing of this case that at least some observations may be made by this Tribunal so that the Respondents/ Department can show some sympathy and give an engagement to the Applicant in any post in the Extra Departmental Organisation under the Postal Department, by keeping in the experiences gathered by him. Since the Applicant entered into service (the experiences of which he now wants to take advantage) clandestinely, as was held by this Tribunal in the earlier round of litigations, he cannot take the benefit of the experiences in question.

(4) In the saforesaid premises, having heard Mr. B.K.Mohanty (learned Counsel for the Applicant) and Mr. J.K.Nayak (learned Additional Standing Counsel for the Union of India) at length, this Original Application is dismissed, the same being devoid of any merit. However, there shall be no order as to costs.

  
22/05/2002

(MANORANJAN MOHANTY)  
MEMBER (JUDICIAL)