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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 370 OF 2001
Cuttack this the 8th day of July 2004

B.C.Das

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Applicant(s)

- VERSUS -

Union of India & Ors.

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

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

for
(B.N. SOM)
VICE-CHAIRMAN

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ORIGINAL APPLICATION NO. 370 OF 2001
Cuttack this the 8th day of July 2004

CORAM:

THE HON'BLE SHRI B.N. SOM, VICE-CHAIRMAN
AND
THE HON'BLE SHRI M.R.MOHANTY, MEMBER(JUDICIAL)

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Bishnu Charan Das, aged about 37 years,
Son of Gopinath Das, Vill - Govindpur, PS-Tangi
Dist-Cuttack - at present officiating as EDDA/MC
At: Govindpur Sidhagiri Branch Office, Chattia S.O.
Cuttack

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Applicant

By the Advocates

Mr. Subhendu Kr. Das

- VERSUS -

1. Union of India represented by the Director General (Posts), Dak Bhawan, New Delhi-110001
2. Chief Post Master General, Orissa Circle, Bhubaneswar, Dist-Khurda
3. Superintendent of Post Offices, Cuttack South Division, Dist-Cuttack

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Respondents

By the Advocates

Mr. A.K. Bose, S.S.C.

O R D E R

MR.B.N. SOM, VICE-CHAIRMAN : Heard the learned counsel for the parties. Shorn of unnecessary details, it would suffice to note that the applicant herein has been working as E.D.D.A., G.Sidhagiri Branch Office and that he, in anticipation of a vacancy in the post of EDBPM of the said Post Office that was likely to occur on 24.9.2001 due to superannuation of the regular incumbent, had made a representation vide Annexure-3 dated 31.5.2001 for being considered for absorption against the said post of EDBPM and it is his grievance that the Respondents-Department, instead of taking any action on his representation,

vide notification dated 24.7.2001 (Annexure-2) have invited applications from the open market in order to fill up the said vacant post, and this is how the applicant, in this Original Application under Section 19 of the Administrative Tribunals Act, 1985, has approached this Tribunal with ^aprayer to direct the Respondents-Department to consider his application/representation for his appointment/absorption in the post of EDBPM, G.Shidhagiri B.O. by quashing the notification under Annexure-2.

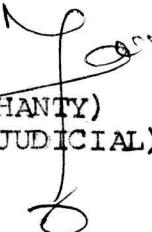
2. The Respondents have filed their counter opposing the prayer of the applicant.

3. The issue with regard to rights of the applicants for being appointed to the post of EDBPM straightforwardly has been answered by this Bench in very many cases in ^{the} recent past, the latest being Original Application No.530/2001 (Rashmita Satapathy vs. Union of India & Ors.), wherein this Bench, while upholding the notification inviting applications from the open market, has directed the Respondents-Department to consider the case of Res.No.3 (as the applicant herein) along with the candidates who had applied for the post through open notification and to select the best one strictly in accordance with the rules. In this view of the matter, we see no reason to take a divergent view in this case and accordingly, we direct the Respondents-Department to consider the case of the applicant along with others for the post in question

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and select the best candidate amongst them strictly in accordance with rules.

For the reasons aforesaid, we are not inclined to accede to the prayer of the applicant which is accordingly rejected. No costs.


(M.R. MOHANTY)
MEMBER (JUDICIAL)


(B.N. SOM)
VICE-CHAIRMAN

BJY