



FORM No. - 4
See Rule (12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

ORDER SHEET

Original Application No. 1327 of 200 3
Applicant (s) Bhagaban Behara Respondent (s) Union of India & Ors.
Advocate for Applicant (s) Mr. S. P. Mohanty Advocate for Respondent(s) P. K. Lenka

| NOTES OF THE REGISTRY | ORDERS OF THE TRIBUNAL |
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| <p>g.p.O. for Rs. 50/- to 27. For consideration pl.</p> <p>30/12/03</p> <p>S.O. (J) D.R.</p> <p>Pl. Submit to Bench with defect.</p> <p>30 (J) 30.12.03</p> <p>For further orders on Memo. Defects not removed. Bench</p> | <p>REGISTER</p> <p>Registrar</p> <p><u>1. ORDER DATED 30.12.2003.</u></p> <p>Heard Mr. Lenka, learned counsel for the Applicant and Mr. S. B. Jena, learned Additional Standing Counsel; on whom a copy of this Original Application has been served. on him.</p> <p>2/ Applicant, who claims, to be a physically handicapped candidate, has filed this O.A. U/s. 19 of the AT Act, 1985. It is the case of the Applicant that the post of</p> |

NOTES OF THE REGISTRY

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post of E.D.B.P.M. of Samarjhola Branch Post Office fell vacant; for which a public notification was issued on 16.3.01 inviting applications from eligible candidates and, in response to the same, the Applicant furnished his candidature on 4-4-01. Despite that a second notification was issued inviting applications from the eligible candidates for the post, in question on 26.3.2002. In response to the second notification, the applicant also submitted his candidature on 8.4.2002/11.4.02. It is the further case of the applicant that since the Respondents took no step to complete the selection process, he approached this Tribunal in OA No. 205/2002 and vide order dt. 25.9.02, this Tribunal disposed of the said case by holding the case to be a premature one. Now the Respondents, having decided to fill-up the post in question through departmental candidates/EDAs, have invited applications from the interested EDDAs vide notification dt. 12.5.03. In the said premises, the applicant has filed the present O.A., virtually, seeking direction from this Tribunal (to the Respondents) not to fill-up the post, in question, by selecting/transferring EDDA personnel.

3/ Existence of right is the very basis of preferring a cause in a Court/Tribunal. Simply because the Applicant was a candidate, in response to a public notification, he had no right to compel the employer to proceed with the

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O.A.NO. 1327/2003

recruitment; for which notification was issued; especially when, as it appears from the materials placed on record, that the Department has decided to fill up the post in question by selecting persons from among the existing EDAs.

4/ In the aforesaid premises, no prima facie case having been made out, this OA is dismissed, at the admission stage. No costs. For statistical purpose, this case be registered and an O.A. number be assigned.

5/ Send copies of this order to the Respondents, along with copies of O.A., and free copies of this order be given to learned counsel for both sides.

about 30/12/03
Member (Judicial)

2. Order dt. 30.12.2003.

Heard perused the office notes.

This Original Application be registered and a number be given.

Member (Judicial)

*Copy of order
dt. 30/12/03 a/w
OA copy issued
to all the respondents
by posts. The same
copy of order issued
to the counsel for
both side.*

*DA
21.1.04
S.O.*

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