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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 1413 of 2003  
CUTTACK, this the 4th day of April, 2005

Shri Dharanidhar Das

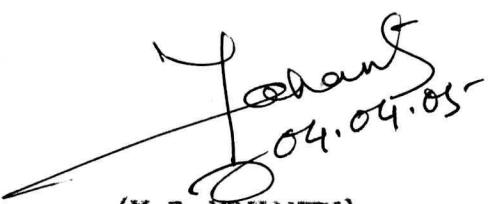
.... Applicant

-VERSUS-

Chief Post Master General, Orissa & Ors ..... Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not ? ✓
2. Whether it be circulated to all the Benches of the CA<sup>T</sup> Central Administrative Tribunal or not ? ✓

  
(M.R. MOHANTY)  
MEMBER (JUDICIAL)

  
( B.N. SOM )  
VICE-CHAIRMAN

CE NTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.1413 of 2003  
Cuttack, this the 4th day of April, 2005

CO RAM:

HON'BLE SHRI B.N.SOM, VICE-CHAIRMAN

AND

HON'BLE SHRI M.R.MOHANTY, MEMBER (JUDICIAL)

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Dharanidhar Das, aged about 20 years S/o late Purushottam Das, At-Dhadasahi PO-Bachhuripal, Ps-Merada, Dist-Mayurbhanj.

.... Applicant

Advocates for the applicant

.... M/s.P.K.Mehapatra,  
S.Nath

Versus-

1. Chief Post Master General, Orissa, Bhubaneswar, At/PO-Bhubaneswar, Dist-Khurda.
2. Superintendent of Post Offices, Mayurbhanj, At/PO-Baripada, Dist-Mayurbhanj.
3. Asst.Superintendent of Post Offices, Baripada Central Sub-division, Baripada, Dist-Mayurbhanj.
4. The Post Master, Baripada Head Office At/PO-Baripada, Dist-Mayurbhanj.
5. Sub-Divisional Inspector (Postal), Baripada, Dist-Mayurbhanj.
6. Sub-Post Master, Rasagobindpur S.O. At/PO/Via-Rasagobindpur, Dist-Mayurbhanj.

.... Respondents

Advocates for the Respondents

.... Mr.B.Dash (ASC)

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## O R D E R

SHRI B.N.SOM, VICE-CHAIRMAN:

Shri Dharanidhar Das has filed this O.A. being aggrieved by the inaction on the part of the Respondents for not considering his case and for assumption of duty as Gramin Dak Sevak Mail Carrier (GDSMC, in short) in Rasagobindpur, SO under Baripada H.O. He has, therefore, approached this Tribunal for issuing a direction to the Respondents to allow him to resume his duties as GDSMC in Rasagobindpur, SO.

2. The undisputed facts of the case are that pursuant to a notification dtd. 26.3.02 for the post of GDSMC, Rasagobindpur, the applicant had applied for the post along with 72 other candidates. He having secured highest percentage of marks among these candidates and fulfilled all other requisite conditions was selected for the post. He was given an appointment letter in this regard vide the Asst. Supdt. of Post I/C, Baripada Central Sub-division, letter dtd. 14.5.02 and the Sub-Post Master, Rasagobindpur, SO was directed to allow the applicant to join the post. However, the applicant could not join his duty as the local people of the village of Rasagobindpur went on hunger strike demanding cancellation of selection of appointment of the applicant. The Asst. Supdt. of Post Offices, Central Sub-division, Bharipada tried to persuade the agitators in presence of the Local Tahsildar and Police Sub-Inspector to allow the successful candidate to resume his duty. It is admitted by the Respondents that in the face of such

Opposition it was decided by him in consultation with the Tahasildar and Police Officer to postpone the appointment of the applicant upon which the agitation was called off. This happened on 21st May, 2003. The Respondents have also disclosed that soon thereafter they carried out a review of establishment of the Branch Post Offices which resulted in declaring GDSCMC Bachhuripal, BO surplus and hence redeployed to the post of GDSCMC, Rasagebindpur vide Res. No. 2 letter dtd. 6/18.11.03. The Respondents have, further, submitted that there is restriction in filling-up <sup>of</sup> the vacant posts by fresh appointment and therefore they have not been able to appoint the applicant.

3. We have heard the Ld. Counsel for the rival parties and have perused the records placed before us.

4. The facts of the case do not crown either the Respondents Organisation or the local district administration with glory. If the appointment to <sup>of</sup> public office is to be done according to the whims and fancies of the local people, it would be the end of the administration and the democratic system will crumble down in no time. It is also strange that the higher authorities in the Postal Administration became a willing partner to this illegal and irresponsible decision of the three functionaries of the Central Government and State Government. The decision being vexatious, it should not only be decifed, it should be set aside also.

5. Admittedly the applicant was duly selected through an intense competition and the selection was made strictly

in terms of the rules made in this regard and therefore the State must shew its determination to ensure the rule of law by implementing the said selection decision. We, therefore, direct the Res.No.1 to order immediate appointment of the applicant to the post of GDSMC, Rasagabindpur for which he was selected through public notification. He is also directed to bring the matter to the notice of the District Collector and Superintendent of Police of the concerned District, if so advised, to lend their full force/ and authority to ensure that the applicant is installed in the post for which he was selected. These who are unruly and are out to create mischief must be taken to task. Unless such a will is demonstrated by the State both at the State level as well as at the Central level, indiscipline and lawlessness will become the order of the day and surely no Court will be a mute spectator to such breach of law and order. We also order that the Res.No.1 should carry out the above direction within a period of 60 days from the date of receipt of this order. No costs.

*Yours*  
04.04.05  
(M.R. MCHANTY)  
MEMBER (JUDICIAL)

*Sub*  
( B.N. SOK )  
VICE-CHAIRMAN

SAN/