

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

ORDER SHEET

Original Application No. 177 of 2002

Applicant (s) Narendra Sahu Respondent (s) Union of India

Advocate for Applicant (s) M/s S. K. Mohanty Advocate for Respondent (s)
S.P. Mohanty
P.K. Lenka

NOTES OF THE REGISTRY**ORDERS OF THE TRIBUNAL**

~~LP.O/B.D. for Rs.50/- filed
For Registration please.~~

On Memo

*B. P. Mohanty
SO.*

*h
4.4.02*

*No order or under
challenge -*

copy of OA served.

Bench

*h
4.4.02*

REGISTER

Registrar

Order No.1, dated 5.4.2002

The objection raised by the Registrar is overruled. This case be registered and a number be given.

2. Heard Shri S.P. Mohanty, the learned counsel for the applicant and Shri S. Behera, the learned Additional Standing Counsel for the respondents. With consent of the learned counsel for both sides, this case is taken up for final disposal at the stage of admission itself.

3. The case of the applicant is that he had served provisionally as Extra Departmental Branch Post Master for three years under

Annexures 1 and 2 and that he had made a

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representation on 5.7.2001 seeking the benefit of past experience. As it appears the Postal Department has sought for material particulars from the applicant to satisfy themselves that the applicant really had gathered experiences lawfully. It is the case of the applicant that he has lost the material documents; for which he has placed materials on record under Annexures 5 and 6. It is the case of the applicant that he is a Matriculate and gathered some experience which should be taken into account while making fresh recruitment. Mr. Mohanty appearing for the applicant also draws my attention to sub-paragraph (2) of paragraph 15 of Annexure-3 which reads as follows:

"2. Efforts should be made to give alternative employment to ED Agents who are appointed provisionally and subsequently discharged from service due to administrative reasons, if at the time of discharge they had put in not less than three years' service. In such cases their names should be included in the waiting list of ED Agents discharged from service, prescribed in D.G., P&T, letter No. 43-4/77-Pen., dated 23.2.1979."

He has also drawn my attention to a Full Bench judgment of this Tribunal rendered in the case of G.S. Parvathy v. Sub-Divisional Inspector (Postal) and others, Full Bench Judgments of CAT (1991-94) (Vol. III) (Bhari Brothers), Page 391; wherein preference given to past experience was held to be not bad. In the aforesaid premises, this O.A. is disposed of with direction to the respondents to take into account the past experience of the applicant

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while considering his case for giving appointment in extra departmental organisation of Postal Department.

This O.A. is accordingly disposed of. Mr. Mohanty, appearing for the applicant, undertakes to file the required postages and copies of the O.A. for communication of this order to the respondents along with the copies of the O.A., within three days. Free copies of this order be given to the learned counsel of both sides.

J. Mohanty
5/4/2002
(M.R.MOHANTY)

MEMBER (JUDICIAL)

Copies of order dt. 5/4/02 issued to the counsel for both sides.

Pr. 10/4/02
S.O.

My 10/4/02

Postal requisites for

Communication of order with ref. to order dt. 5/4/02 not filed.

for orders

Bench

My 18/4/02
Postal requisites filed

copy of order alongwith O.A. copy issued to all the resps. by Regd. with A.D. Posts.

Pr. 19/4/02

S.O.

My 19/4/02