

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH

ORDER SHEET

Original Application No. 177 of 2002

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

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

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

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

on Memo

SO

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

NO order is under
challenge -
copy of OA served.

Bench

NOTES OF THE REGISTRY

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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.

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Copies of order dt. 5.4.02
issued to the Counsel
for both side.

Pr 10/4
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
10/4/02

Postal requisites filed
Copy of order alongwith
O.A. copy issued to all
the respts. by Regt.
with A.D. Posts.

Pr 19/4
S.O.

my
19/4/02

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.

(M.R. MOHANTY)

MEMBER (JUDICIAL)