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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH,CUTTACK

O.A.NO. 84 OF 2004
Cuttack, this the 3-11- 2004

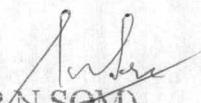
Sri Lalit Narayan Mishra Applicant

Vrs.

Union of India and others Respondents

FOR INSTRUCTIONS

- 1) Whether it be referred to the Reporters or not? Mo
- 2) Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? Mo


(B.N.SOM)
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH,CUTTACK

O A NO. 84 OF 2004
Cuttack, this the 3 - 11 - 2004

CORAM:

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

Shri Lalit Narayan Mishra, aged about 27 years, son of Basant Kumar Mishra of village Andhia Sahi, P.O.Nimapara, Dist.Puri, selected as GDSBPM of Patia Branch Post Office

..... Applicant

Vrs.

- 1) Union of India, represented through its Director General of Posts, Government of India, Ministry of Communications, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi 110 001.
- 2) Chief Post Master General, Orissa Circle, At/PO-Bhubaneswar 751 002
- 3) Senior Superintendent of Post Offices, Bhubaneswar Division, Bhubaneswar.
- 4) Asst.Superintendent of Post Offices, I/C Bhubaneswar (North) Sub Division, Bhubaneswar 751 001, Dist.Khurda.
- 5) Superintendent of Police, Khurda.
- 6) Officer-in-charge, Chandrasekharpur Police Station, Chandrasekharpur, Bhubaneswar, Dist. Khurda.
- 7) Sh. Sarat Kumar Parida, son of Sibendra Parida, Vill/PO Paia, Bhubaneswar, Dist.Khurda.

..... Respondents

Advocates for the applicant -

M/s B.K.Mohanty, R.Mohanty,
P.K.Bhuyan, C.R.Mallick,
P.K.Sahoo.

Advocates for the Respondents -

Mr. S.B.Jena,ACGSC.
Mr.T.Dash, G.A.(State)

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ORDER

SHRI B.N.SOM, VICE-CHAIRMAN

Shri Lalit Narayan Mishra has filed this O.A. challenging the inaction of the departmental Respondents in not taking adequate steps according to rules to allow him to join the post of GDS SPM, Patia GDS SO.

2. The fact of the matter is that the applicant was selected for appointment to the post of GDS SPM, Patia GDS SO vide Respondent No.3's letter dated 16.4.2003. The said Respondent No.3 had also directed Respondent No.4 to provide necessary training to him before he took up the charge of the post. The allegation of the applicant is that when on 28.2.2004 he went to join the post, being accompanied by the Overseer Mails, Sri Guru Babu, he was not allowed to enter the office by some villagers and he was threatened by them also and since then he had been waiting for the departmental Respondents to take effective steps so that he could take over the charge of the post.

3. The departmental Respondents in their counter have confirmed the allegations made by the applicant. They have put the blame for their inability to allow the applicant to join the post on the opposition of the villagers and have also hinted that one Sri Sarat Kumar Parida, one of the candidates in fray and who was an inhabitant of the village, was behind the trouble.

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4. One Sri Sarat Kumar Parida, one of the candidates for the post had filed O.A.No.275 of 2003 on 13.5.2003 and by order of the Tribunal at admission stage, it was directed as follows:

"Any appointment made to the post in question in the meantime shall be subject to the outcome of this O.A."

In this O.A.No.275 of 2003, Lalit Narayan Mishra (the applicant in OA No. 84 of 2004) was impleaded as a party. Hearing in OA No.275 of 2003 is over and my finding is that the applicant in that O.A., i.e., Sri Sarat Kumar Parida was the most suitable candidate for appointment to the post and accordingly, the letter of appointment issued to the applicant in OA No. 84 of 2004 has been rescinded. Following my finding in OA No. 275 of 2003 regarding selection to the post of GDS SPM, Patia GDS SO, this O.A.No.84 of 2004 cannot succeed. However, as the applicant was already favoured with a letter of appointment by Respondent No.3, it would be in fitness of things if the applicant is offered an alternative appointment in a GDS post subject to his acceptance. The applicant by filing a Memo on 29.9.2004 disclosed that one post of GDS BPM, Abhayamukhi Branch Post Office is lying vacant. If that be so and if the departmental Respondents find no impediment in appointment of the applicant, he may be appointed to the post. The O.A. is accordingly disposed of with the above direction.

(B.N.SOM) *[Signature]*
VICE-CHAIRMAN