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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

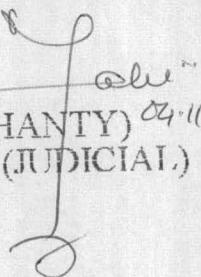
Q.A NO. 195 OF 2002
Cuttack, this the 4th Nov. 2004

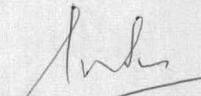
Sri Chandan Chatterji Applicant
Vrs.
Union of India and others Respondents

FOR INSTRUCTIONS

1) Whether it be referred to the Reporters or not? *Ans*

2) Whether it be circulated to all the Benches of the Central
Administrative Tribunal or not? *Ans*


(M.R.MOHANTY) 04.11.04
MEMBER(JUDICIAL)


(B.N.SOM)
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH,CUTTACK

O.A.NO. 195 OF 2002
Cuttack, this the 4th Nov. 2004

CORAM:

HON'BLE SHRI B.N.SOM, VICE-CHAIRMAN
AND
HON'BLE SHRI M.R.MOHANTY, MEMBER(JUDL.)

Chandan Chatterji, aged about 25 years, son of Manmohan Chatterji, of
Bidyadharpur, P.O. Nayabazar, District Cuttack

..... Applicant

Vrs.

- 1) Union of India, represented through the Chief Post Master General, Orissa Circle, At/PO-Bhubaneswar, District Khurda
- 2) Senior Superintendent of Post Offices, City Division, Cuttack, At/PO/Dist.Cuttack.
- 3) Assistant Superintendent of Post Offices, Cuttack City Division, At/PO/Dist. Cuttack.
- 4) Sub-Divisional Inspector (Postal),Cuttack North Sub-Division,At/PO/Dist.Cuttack 753001..... Respondents

Advocates for the applicant - M/s B.S.Tripathy,M.K.Rath & J.Pati.

Advocates for the Respondents -Mr.A.K.Bose, Sr.CGSC
.....

O R D E R

SHRI B.N.SOM, VICE-CHAIRMAN

Shri Chandan Chatterji has filed this O.A., being aggrieved that the Respondents, in spite of several directions issued by this Tribunal, have not considered his case for appointment in any of the extra-departmental posts lying vacant under City Postal Division, Cuttack.

2. The facts of the case reveal that the applicant was initially appointed on substitute basis on 17.6.1996 as EDMC/Packer in Nimasahi

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S.O. The Tribunal by order dated 18.12.1996 in O.A.No. 898 of 1996 had directed Respondent No.3 to consider his case for the post of EDMC-cum-Packer in Nimasahi S.O. along with others. Thereafter, he had again approached the Tribunal in OA No. 373 of 1999 and the Tribunal by order dated 8.8.2001 had directed the departmental authorities to consider his case if any vacancy arises in future. But the Respondents had taken no action to absorb/appoint him against any vacancy arising after 8.8.2001. He has, therefore, approached the Tribunal to issue appropriate orders to the Respondents to appoint him in any of the ED posts lying vacant in the Division.

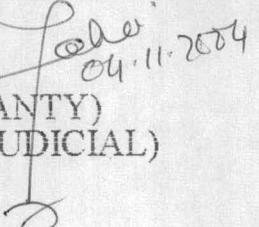
3. The Respondents have opposed the Original Application. They have stated that the applicant was initially engaged as a substitute. He had started his work with effect from 1.6.1998 without any intimation. They have submitted that the law has been well settled that a substitute has no claim to any preferential treatment in the matter of appointment. Therefore, the applicant does not deserve consideration. They have also stated that as per the direction of the Tribunal in OA No.898 of 1996, the applicant was considered for the post of EDMC/Packer, Nimasahi S.O., along with other candidates, but could not be selected as there was a better candidate on merit than him.

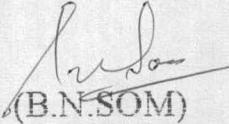
4. We have heard the learned counsel for both the parties and have also perused the records placed before us.

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5. The crux of the arguments of the Respondents is that the applicant had deserted his work without any intimation. This fact has not been controverted by the applicant either by filing any rejoinder or during oral arguments. In the circumstances, the allegation brought against him by the Respondents remains uncontested. In this view of the matter, the applicant is not entitled to any consideration and accordingly this O.A. is disposed of, being without merit. No costs.


04.11.2004
(M.R.MOHANTY)
MEMBER(JUDICIAL)


(B.N.SOM)
VICE-CHAIRMAN

AN/PS