

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.**

O.A. NO. 1117 OF 2004
Cuttack, this the 10th day of November, 2005.

MS.ANNAPURNA SAHOO **APPLICANT**

VERSUS

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not? No

1. Whether it be circulated to all the Benches of CAT? No

(B.N.SØM)
VICE-CHAIRMAN

(M.R.MOHANTY)
MEMBER (JUDICIAL)

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CENTRAL ADMINISTRATIVE TRIBUNAL CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. III7 OF 2004
Cuttack, this the 10th day of November, 2005

C O R A M:-

THE HON'BLE MR.B.N.SOM, VICE-CHAIRMAN
AND
THE HON'BLE MR.M.R.MOHANTY, MEMBER(JUDICIAL)

Annapurna Shoo, Aged about 20 years,
D/O. Muralidhar Shoo, At/Po: Mahulia,
Barambagarh, Dist.Cuttack-31, at present
Residing At/Po. Maniabandha, Via-Nuapatna,
Dist.Cuttack-754035.

APPLICANT.

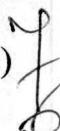
By legal Practitioner : M/s.S.P.Mohanty,P.K.Lenka,P.Lenka,Adv.

VERSUS

1. Union of India, represented through the Chief Postmaster General, Orissa, Bhubaneswar.
2. Superintendent of Post Offices, Cuttack South Division, Cuttack.
3. Sub Divisional Inspector (postal), Athagarh Sub Division, Athagarh- 754 029.
4. Sujata Routray, D/o. Late Dhirendranath Routray,
At/Po. Harianta, Via- Chowdwar – 754 025,
Dist. Cuttack.

RESPONDENTS.

By legal practitioner:- Mr.U.B.Mohapatra, SSC(for Res.Nos.1 to 3)



Mr.P.K.Praharaj,Advocate (For Res.No.4)

O R D E R

MR.M.R.MOHANTY, MEMBER(JUDICIAL):-

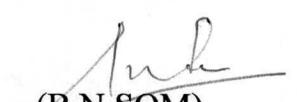
Applicant was a candidate for the post of Gramin Dak Sevak (Post Master) of Bindhanima Post Office, pursuant to an open advertisement issued by the Superintendent of Post Offices of Cuttack South Division, under Annexure-A/1 dated 08.05.2003. While the matter was under process, the Chief Postmaster General of Orissa Circle, issued an order dated 22.08.2003 directing the Superintendent of Post Offices, to fill-up the said post (by Kumari Sujata Routray) on compassionate ground and, accordingly, the notification under Annexure-A/1 was cancelled under Annexure-R/2 dated 04-11-2004 and said Kumari Sujata Routray joined the post in question on 20.12.2004. Being aggrieved by such action of the Respondents, the Applicant has filed this Original Application under section 19 of the Administrative Tribunals Act, 1985. Respondents have filed their counter opposing the prayer of the Applicant.

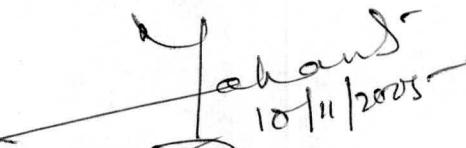
2. Heard Mr.P.K.Lenka, learned counsel appearing for the Applicant, Mr. U.B.Mohapatra, Learned Senior Standing Counsel appearing for the Respondent-Department and Mr.P.K.Praharaj, learned counsel appearing for the Respondent No.4, and perused the materials

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placed on record. It is the specific case of the Respondents that many other candidates were there for the post, in question, who had secured much more marks (in the matriculation examination) than the Applicant and, in case the selection from out of the candidates from open market, there was no certainty that the Applicant would have been selected. That apart, merely because one has applied for consideration against any post he/she does not acquire any vested right to be appointed. It appears, no right of the Applicant has been infringed by filling up of the said post on compassionate ground. Respondents are also obliged to comply the rules of giving compassionate appointment to a family members of deceased ED employee. Therefore, there was nothing wrong in the decision of the Respondents in appointing Kumari Sujata Routray, on compassionate ground, in the post, in question.

3. In the said premises, there are no reason to interfere in the matter. Thus, this Original Application is, accordingly, dismissed. No costs.


(B.N. SOM)
VICE-CHAIRMAN


10/11/2005
(M.R. MOHANTY)
MEMBER(JUDICIAL)