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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH:CUTTACK**

ORIGINAL APPLICATION NO.240 OF 2005
Cuttack this the 20th day of June, 2006

Sri Panchu Pradhan...Applicant(s)
-VERSUS-
Union of India & Ors. Respondent(s)

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not ? *no*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? *no*

(B.P.M)
(B.B.MISHRA)
MEMBER(ADMN.)

(B.P.M)
(B.PANIGRAHI)
CHAIRMAN

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH:CUTTACK**

ORIGINAL APPLICATION NO.240 OF 2005
Cuttack this the 20th day of June,2006

CORAM:

**THE HON'BLE MR.JUSTICE B.PANIGRAHI, THE CHAIRMAN
AND
THE HON'BLE MR.B.B.MISHRA, MEMBER(ADMN.)**

...

Sri Panchu Pradhan, aged about 31 years, S/o.Sri Jayakrishna Pradhan, permanent resident of Village/Post: Sakeri, Via/PS- Odagaon, District-Nayagarh

By the Advocates: ...Applicant
Mr.P.K.Padhi

-VERSUS-

1. Union of India represented by its Chief Post Master General (Orissa Circle), At/PO-Bhubaneswar, Dist: Khurda-751001
2. Superintendent of Post Offices, Koraput Division, At/PO-Jejpore, District-Koraput-764001
3. Sub Divisional Inspector (Postal), Malkangiri Sub Division, At/PO/Dist-Malkangiri

By the Advocates : ...Respondents
Mr.R.N.Mishra,A.S.C.

O R D E R

MR.JUSTICE B.PANIGRAHI, THE CHAIRMAN:

1. Pursuant to the advertisement for filling up the post of E.D.M.C., Mariwada Branch Office, the applicant seems to have applied for the aforesaid post. He has claimed to have passed Post Graduate Examination in Oriya. He has also passed H.S.C. Examination securing more than 55% marks. The

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applicant was called upon for verification of the documents and accordingly, he was selected to the post of E.D.M.C., Mariwada B.O. He was also communicated the matter of his selection to the said post of E.D.M.C. But later on the Respondent No.3 cancelled the said selection on administrative grounds vide order dated 2.5.2003. Thereafter, the applicant was forced to file this application for a direction to the Respondents for issuing regular appointment order to the post of E.D.M.C. (now designated as G.D.S.M.C.) of Mariwada B.O.

2. The Respondents in their counter-reply have not disputed about the applicant's selection to the post of G.D.S.M.C. But they have taken a stand that a circular had been issued by the Respondent No.1 to the effect that while filling up the post of G.D.S.M.C. the authorities should have to take into consideration the following matters:

1. "The work load of the different posts attached to the establishment of the office may be examined
2. The financial viability of the Office may be examined. For this purpose the income to the cost should be 33.33% in case of normal areas and 15% for tribal areas.
3. Options may be explored for combination of the duties of the vacant post with any other post under the same establishment.
4. If there is both financial and statistical justification to have independent man power against the vacant post and combination of duties is in no way feasible, the Divisional Head may issue necessary

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10

approval to notify the vacancy keeping the documents in the file in support of the decision taken by him".

Therefore, the Respondents did not issue the appointment order in favour of the applicant.

3. We have carefully gone through the letter dated 16.1.2003 issued by the Chief Postmaster General, Orissa Circle. But we did not find imposition of any general ban order in general for filling up of the aforesaid post. Since there was necessity dependent upon the work load of the Mariwada B.O. the advertisement had been issued. Therefore, according to our view, this circular does not come in the way while considering the applicant's case for appointment to the post of G.D.S.M.C. It is to be noted that this circular was issued by the C.P.M.G. on 16.1.2003, but the selection had taken place much before the issuance of this circular. Had the authority issued appointment order to the applicant soon after the selection was over, this circular would not have come in the way to stall his appointment. Accordingly, we allow this application with direction to the Respondents to consider issuing appointment order to the post of G.D.S.M.C., Mariwada B.O. in favour of the applicant, provided he fulfils the other eligibility criteria, within a period of three months from the date of receipt of this order.

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4. With the above observation and direction, this O.A. is disposed of. No costs.

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(B.B.MISHRA)
MEMBER(ADMN.)

B.P.
(B.PANIGRAHI)
CHAIRMAN