

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NOS. 931 OF 2005
Cuttack, this the 11th day of November, 2008

Shri Umesh Chandra Mansingh..... Applicant
Vs.
Union of India & Others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not?
2. Whether it be circulated to Principal Bench, Central Administrative Tribunal or not?

(C. R. MOHAPATRA)
ADMINISTRATIVE MEMBER

(JUSTICE K. THANKAPPAN)
JUDICIAL MEMBER

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 931 OF 2005

Cuttack, this the 14th day of November, 2008

CORAM:

Hon'ble Shri Justice K. Thankappan, Member (J)

Hon'ble Shri C.R. Mohapatra, Member (A)

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Shri Umesh Chandra Mansingh, Son of Shri Narayan Barik, aged about 39
years, At/Po: Baunsabati, Via: Bhapur, Dist: Nayagarh. **Applicant**
By the Advocate(s) Mr. P.K. Padhi

Vs.

1. Union of India represented thorough its Director General of Posts, Government of India, Ministry of Communication, Department of Posts, Dak Bhawan, New Delhi-1.
2. Chief Post Master General, Orissa Circle, Orissa, BBSR.
3. Senior Superintendent of Post Offices, Puri Division, Puri.
4. Sri Durga Prasad Mishra, Postman, At/Po-Puri H.O, Dist-Puri-752001

..... **Respondents**

By the Advocate(s)..... **Mr. U.B. Mohapatra, SCGSC**
Mr. A.K. Bose, ASC for R-4

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O R D E R

HON'BLE MR. JUSTICE K. THANKAPPAN, MEMBER(J)

Questioning the appointment of Respondent No.4 as Postman, the applicant has filed this Original Application praying that the appointment given to Respondent No.4 as Postman may be quashed and the applicant himself may be appointed to the above post.

2. The short facts of the O.A are as follows. The applicant was appointed as Extra Departmental Branch Post Master (in short 'EDBPM', now designated as GDSBPM) of Baunsabati Branch Post Office under Nayagarh Head Post Office w.e.f. 19.06.1996. The applicant, while working, as such in the Division, a post of Postman fell vacant and Respondent No.3 in order to fill up the post of Postman issued notification vide his Memo dt.14.06.2004 inviting applications from Group 'D' and EDAs (GDS) of the Division. The applicant also applied for the above post, but after the examination, the Respondent No.4 was appointed. However, the said appointment of Respondent No.4 was challenged before this Tribunal in O.A No.42/98 and this Tribunal quashed the selection of Respondent No.4 as Postman in the U.R. quota. Since and since the applicant belongs to the U.R quota and he is in the waiting list of that selection, the applicant submits that he should have been appointed in the place of the Respondent No.4 as Postman.

3. Since the request of the applicant has not been considered the applicant filed this Original Application.

4. We heard Mr. P.K. Padhi, Ld. Counsel for the applicant and Mr. U.B. Mohapatra, Ld. Sr. Standing Counsel for the Respondents. The main ground urged by the Ld. Counsel for the applicant is that since the appointment of Respondent No.4 was made due to his selection made for the year 2004, the applicant ought to have been appointed to the above post. The Counsel for the Applicant further submitted that since the selection of Respondent No.4 as EDSPM, Gopinathpur EDSO, has been quashed by this

Tribunal as per the order passed in O.A. 42/98, the applicant ought to have been appointed.

5. In reply to the above contentions, the Ld. Counsel for the Respondents submitted that the applicant was appointed as EDBPM and he appeared in the examination for selection to the post of Postman in which Respondent No.4 also appeared. Though the selection of Respondent No.4 as EDSPM was quashed by this Tribunal, the claim of the applicant, for appointing him in the place of Respondent No.4 is not legal as the applicant was not selected in the examination conducted by the Department and the name of the applicant was only in the waiting list and there are many others in the waiting list above the applicant. Hence this O.A is liable to be dismissed.

6. After considering the entire arguments of the Ld. Counsel on either side, we are of the view that the selection & appointment of the 4th Respondent as EDSPM in pursuance to the selection made in 1999 was quashed by this Tribunal, but the applicant, in the present O.A, is concerned with the selection to the post of Postman for the year 2004. The applicant challenges the selection of Respondent No.4 as Postman for the year 2004 on the basis of the order of this Tribunal passed in O.A No.42/98. Even in 2004 selection made the applicant was in the waiting list, whereas Respondent No.4 was selected only on passing the examination as conducted by the Department during 2004. Hence this O.A is devoid of any merit and is liable to be dismissed. We do so. Accordingly, this O.A is dismissed. No order as to costs.


(C. R. MOHAPATRA)
ADMINISTRATIVE MEMBER


(JUSTICE K. THANKAPPAN)
JUDICIAL MEMBER