

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH
CUTTACK

O.A. 636/2002

Date of order: 25.05.2004

Present : Hon'ble Mr. Justice B. Panigrahi, Vice-Chairman.
Hon'ble Mr. H.P. Das, Administrative Member.

Atulya Kumar Mallick

-versus-

Union of India and Ors.

For the applicants : None.

For the respondents : Mr. B. Dash, counsel.

O R D E R

Per Justice B. Panigrahi, VC

None has appeared for the applicant on call. Ld. counsel for the respondents is, however, present. After hearing him and on going through the records, we are of the opinion that the case can be disposed of even in the absence of applicant. Accordingly, we proceed to do so.

2. In this case the applicant has challenged the selection of one Shri Kulamani Sahu who belongs to OBC community to the post of GDS SPM Kudanagari EDSO. Pursuant to the notification vide Annexure-2 the applicant along with others had applied for the post of EDSPM, Kudanagari. But the authorities after examining the check list found Shri Kulamani Sahu to be suitable for the post and, therefore, he was given appointment.

3. Mr. Dash, ld. counsel appearing for the official respondents has also submitted that said Shri Kulamani Sahu has satisfied all the legal requirements stipulated in the advertisement. We find that the selected candidate Shri Kulamani Sahu is not made a party in this application.

4. The applicant has taken a stand that since he worked as a substitute against a leave reserve vacancy of his father, therefore, his past experience ought to have been taken into consideration. But the respondent authorities did not consider his case and selected Shri Sahu for the post of EDSPM. We find no earthly substance in the aforesaid stand taken by the applicant. Merely because he worked for sometime as substitute, that too against a leave reserve vacancy occurred due to his father's illness, that by itself does not provide him any right to either consider or to be appointed against a regular vacant post. In this context decision of the Apex Court in the case of UOI Vs. Devika Guha & Ors. 2000(2) SCSLJ 132 may be referred to.

5. In merit also, he stands far below from that of the selected candidate Shri Kulamani Sahu. Apart from that, as we have already noted above, the applicant has not impleaded Shri Kulamani Sahu as a respondent in this case. In that view of the matter, the application is not maintainable in the absence of necessary party.

6. Considering the case in its totality, we find no substance in this O.A. and it is accordingly dismissed. No costs.

H. B. D.

Member (A)

B. B. D.

Vice-Chairman.