

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH
CUTTACK

O.A. 778/2002

Date of order: 26.05.2004

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

Rabindranath Sahoo and Ors.

-versus-

Union of India and Ors.

For the applicants : Mr. S.K. Mahapatra, counsel.

For the respondents : Mr. S.B. Jena, counsel.

O R D E R

Per Justice B. Panigrahi, VC

Upon hearing ld. counsel appearing for the applicants as well as ld. counsel appearing for the respondents and on perusal of the averments stated in the application, it appears that there was a vacancy for the post of EDSPM in the Kudanagari BPO. Consequent upon such vacancy there was an advertisement issued on 19.7.2001 by the respondent No.2. Pursuant to such advertisement many others had submitted their applications. The applicants' only grievance is that since at that time devastating flood took place, as a reason whereof the applicants as well as many others could not know about the vacancy of the post for which they could not apply for the post even though they were eligible and willing. It has further been stated that in Panchayat also there was no wide publicity for such vacancy so that other candidates could have applied. They have prayed for re-advertisement of the vacancy.

2. While examining the aforesaid contention we find from Annexure-1, which is the notification issued by the respondent No.2,

: 2 :

that the same was circulated at different levels. The local Employment Exchange was also consulted and Employment Exchange has sponsored 40 candidates for the aforesaid post. Apart from that candidates from open market were also called. After considering the cases of all the candidates from all sources, a merit list was prepared on the basis of which Sri Kulamani Sahoo has already been appointed on 7.8.2002. It appears that said Sri Kulamani Sahoo is not made a party in this case.

3. Ld. counsel appearing for the applicants has submitted that the applicants did not know about the selection of Sri Kulamani Sahoo. Therefore, the applicants have not impleaded him as respondent. We are unable to appreciate the aforesaid contention because in the absence of said Kulamani Sahoo, it is difficult to adjudicate the case. Considering the case from each and every angle, we find that since sufficient number of candidates were sponsored by the local Employment Exchange and also candidates from the open market were considered, it is futile to say that intending candidates including the applicants were prevented from applying and appearing in the selection process on account of aforesaid situation. We find there is no merit in this application. Accordingly, it is dismissed. No costs.

H. B. D.
Member (A)

B. S. Singh
Vice-Chairman.

*Copy of order dt. 26/5/04
issued to the Counsel
for both side.*

24/5/04
S. O. M.