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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

O.A. NO. 951 of 2002
Cuttack, this the 16th day of April, 2004.

Chhotaray Hembram.

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Applicant

-Versus-

Union of India & Ors.

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Respondents.

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not?

[Signature]
(S. K. NAIK)
Member (Admn.)

[Signature]
(B. PANIGRAHI)
Vice-Chairman

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O.A. No. 951/2002

Present: Hon'ble Mr. Justice B. Panigrahi, Vice-Chairman,
Hon'ble Mr. S. K. Naik, Administrative Member.

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Chhotaray Hembram.

Vrs.

Union of India and others

For the Applicant: Mr. D. P. Dhalsamant, Counsel,

For the Respondents: Mr. J. K. Naik, Counsel.

Date of Order: 16.04.2004.

O R D E R

Justice B. Panigrahi, Vice-Chairman:

Pursuant to the Notification for filling up of the Post of G.D.S.M.D., Jathia Branch Post Office, the Applicant as well as the private Respondent No. 5 alongwith many others applied for the aforesaid post. After the applications were received by the Respondent No. 4, there was selection of the candidates; in which the Applicant was selected on the ground that he belongs to ST apart from being a handicapped person. Subsequently, certain allegations had been levelled against the Respondent No. 4 for which the matter was enquired into by the Respondent No. 3 who issued a direction to give appointment to Respondent No. 5 private since he secured highest mark in the High School Certificate

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examination. From the advertisement we noted that there was no reservation for handicapped and since the private Respondent No.5 had secured highest mark, therefore the authority seems to have justified in cancelling the appointment of the Applicant and ordering for appointment of Respondent No.5. Private Respondent No.5 could not be given appointment order because of the interim stay order passed by this Tribunal. Mr. D. P. Dhalsamant, learned counsel appearing for the Applicant has submitted that in the meanwhile after filing of this case, when the private Respondent No.5 has been arrayed as a party, notice was sent to him as he received appointment order as Junior Engineer and accordingly, the Private Respondent No.5 has received notice at his place of posting but did not prefer to contest this case. Since the Private Respondent No.5 is not present, the truth or otherwise of the statement made from the Bar cannot be ascertained.

2. Accordingly, in the above backgrounds, we direct the Respondent No.4 to ask the Respondent No.5 to join as GDSMD of Jathia Branch Post Office on or before 10.05.2004; failing which the Applicant shall be allowed to join as GDSMD, Jathia BO, as he was initially given appointment and having secured the second highest mark in the selection amongst the ST candidates.

3. With the above observations and directions, this O.A. is disposed of. No costs.

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(S. K. NAIK)
Member (Admn.)

B. Panigrahi
(JUSTICE B. PANIGRAHI)
Vice-Chairman