



FORM No. - 4

See Rule (12)

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**

CUTTACK BENCH

**ORDER SHEET**

*Original* Application No. 1100 of 200 2  
 Applicant(s) Sushanta Kumar Kar Respondent(s) Union of India 805  
 Advocate for Applicant(s) Mr. D. P. Dhalsamant Advocate for Respondent(s) Mr. B. Dash, Asst

**NOTES OF THE REGISTRY**

1. I.P.O. B 501-1114
2. On memo to be taken up on 30.12.02

*Tzp*  
 30.12.02

*Shankh*  
 30.12.02

Copy of order of 30/12/02 issued to the counsel for both side.

*Sh*  
 31.12.02  
 S.O.

**ORDERS OF THE TRIBUNAL**

REGISTER

*Shankh*  
 Dy. Registrar

1. ORDER DATED 30.12.2002.

On being mentioned by Mr. D. P. Dhalsamant, learned counsel for the Applicant; this case is taken up, in presence of Mr. B. Dash, learned Additional Standing Counsel for the Union of India; on whom a copy of this Original Application has been served.

Applicant an Asst. Archaeologist

*7*  
*8*

## NOTES OF THE REGISTRY

Dr. Dr. 30.12.02

Notice alongwith  
Copies 7 or. dated  
30.12.02 issued to  
respsb. by speed post.

31/12

Bb  
31.12.02  
So

Dr. Dr. 30.12.02

may kindly be seen.

Counter not  
fwd  
Mr. B. Dash, Asst  
appears in chat  
N 2-1 a 2.

for further info.

31/12

Reg.  
31/12

10.02.03

The applicant is absent  
on call. Shri B. Dash, Ld.  
ASC prays for time to file  
counter. Heard. Time granted  
till 3.3.03 for counter.

REGISTRAR

on Memo

MA 177/03 fms

for app. order  
copy sent  
for order.

21/2/03

Bb

## ORDERS OF THE TRIBUNAL

of Archaeological Survey of India of  
Bhubaneswar Circle has applied for the post  
of Deputy Superintending Archaeologist  
pursuant to the UPSC advertisement No.05  
under Annexure-5. It appears that <sup>the Applicant</sup> submitted  
his application through proper channel and also  
received an acknowledgement (No.147) from  
the UPSC under the signature of S.O. It is  
the case of the applicant that interview/  
viva-voce test for the post of Deputy  
Superintending Archaeologist is going to be  
held on 8th and 9th January, 2003 at the end  
of the UPSC ; and that he has not yet  
received any call letter to attend the said  
interview/viva-voce test; for which he has  
made a representation to the UPSC, under  
**Annexure-7** dated 24.12.2002 and under  
Annexure-8 dated 26.12.2002. It is the case of  
the Applicant that he has also represented  
to the Director General of A.S. of India under  
Annexure-9 dated 27-12-2002. Since he has not  
been called to attend the interview/viva-voce  
test, going to be held on 8th and 9th of  
January, 2003, he has filed this Original  
Application under section 19 of the A.T. Act,  
1985 seeking a direction to the UPSC to give  
him a call/to allow him to face the test/  
interview on 8th and 9th of January, 2003. Learned  
Additional Standing Counsel Mr. B. Dash, on whom  
a copy of this O.A. has been served, states  
that the Applicant might have been short-listed  
for which he has not been called to the viva-  
voce test/interview. He has also pointed out



3  
O.A.NO.1100/2002.

Contd...Order No.1 dated 30.12.2002.

me from the document placed on record that the UPSC had retained the right to short-list the candidates. He seeks an adjournment of this case; so that he can obtain instruction from the UPSC in the matter. Since time is very short, the Respondents (especially Respondent No.2) are hereby asked, ad-interim, to allow the applicant to face the interview/viva-voce test on 8th and 9th January, 2003. This ad-interim direction is to be followed by the Respondents (especially Respondent No.2) without prejudice to the rival claims that are to be raised in this case. The Respondents should keep the result of the Applicant in a sealed cover until further orders from this Tribunal.

Notices be issued to the Respondents to file counter within four weeks/10.2.2003. This notices be issued to the Respondents by SPEED POST at the cost of the Applicant and Mr. Dhalsamant, learned counsel for the Applicant undertakes to file the ~~required~~ postages in course of the day.

Send copies of this order to the Respondents alongwith notices and free copies of this order be given to learned counsel for both sides.

Applicant to approach the Respondent No.,2 immediately with a copy of this order; so that expeditious step can be taken by the Respondents to make necessary arrangement to allow the applicant

....

to face the interview/viva-voce test on the  
dates already fixed.

*Laal*  
30/12/2002  
MEMBER (JUDICIAL)

ORDER DATED 24-02-2003.

M.A.NO.116/2003 and 177/2003.

Heard Mr.D.P.Dhalsamant, learned Counsel for  
the Applicant and Mr.B.Dash, learned Additional Standing  
Counsel for the Union of India, appearing for the Respondents.  
Both the parties have disclosed that the applicant has  
already been permitted to take the examination on the  
strength of the representation dated 24.12.2002 of the  
applicant and, that this OA has already become infructuous.  
In the said premises, Mr.Dhalsamant, learned Counsel appearing  
for the applicant prays for withdrawal of this O.A.

Having heard counsel for both sides, we  
declare this OA to have been disposed of as the same  
has become infructuous with the disposal of this O.A.  
two MAS stands disposed of.

*Laal*  
24/1  
Vice-Chairman

*Laal*  
24/02/03  
Member (Judicial)

On 24.2.2003

Copies of order  
handed over to  
Counsel for  
both sides

*Laal*  
26/2/03

*Laal*  
26/2/03