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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO.432 OF 2007

Cuttack, this the 31st Day of October, 2007

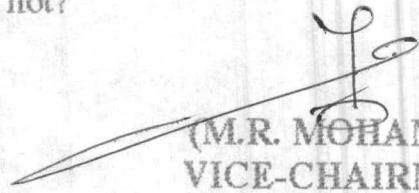
Shri Babrughan Swain Applicant

Vs.

Union of India & Others Respondents

FOR INSTRUCTIONS

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



(M.R. MOHANTY)
VICE-CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.432 OF 2007
Cuttack, this the 31st Day of October, 2007

CORAM:

HON'BLE SHRI M.R. MOHANTY, VICE-CHARMAN

.....
IN THE CASE OF:

Shri Babrughan Swain, aged about 31 years, Son of Bishnu Charan Swain, At/Po-Ayatapur, P.S. Sadar, Dist. Cuttack.

..... Applicant
By the Advocate(s) M/s. B.C. Jena,
S.Mohapatra,

Vs.

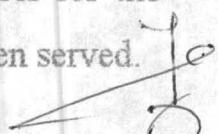
1. Union of India represented thorough its Secretary Indian Council of Agricultural and Research, At/Po-Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi.
2. Director General Indian Council of Agricultural and Research, At/Po-Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi.
3. Director Central Rice Research Institute, At/Po-Bidyadharpur, Dist-Cuttack. Respondent(s)

By the Advocate(s).....Mr S.B. Jena

O R D E R

SHRI M.R. MOHANTY, VICE-CHAIRMAN

Heard Mr. B.C. Jena, Ld. Counsel appearing for the Applicant and Mr. S.B. Jena, Ld. Addl. Standing Counsel for the Union of India, on whom a copy of this O.A has already been served.

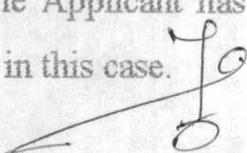


2. By filing this O.A. under Section 19 of the Administrative Tribunals Act, 1985, the Applicant, who faced a recruitment in the year 1998-99, has virtually challenged the appointment of one Sabita Kumari Sahoo. It appears from the materials placed on record that there was an advertisement for recruitment of Jr. Stenographer in CRRI,Cuttack during December, 1998; for which selection was undertaken during March, 1999. In the said selection one Sabita Kumari Sahoo was selected and appointed. Applicant, who claims to be a better candidate than said Sabita Kumari Sahoo represented to the authorities during 2000 and long thereafter during 2007.

3. The Applicant made wild allegations against the officers of the Respondents Organization in his representation of the year 2007 i.e. after a lapse of 08 years; which prima-facie appears to be an after thought one.

4. This Tribunal not being the Appellate Authority over Selection Board/Appointing Authority, no relief could have been granted to the Applicant, had he approached in time. This O.A., having been filed after long 08 years, is grossly barred by limitation. The Applicant has not even filed a petition seeking condonation of delay.

5. The Applicant has also not impleaded aforesaid Sabita Kumari Sahoo in this case.

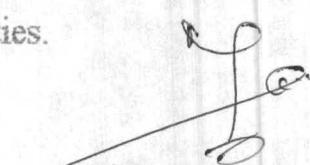


6. Faced with all these questions, Mr. B.C. Jena, Ld. Counsel appearing for the Applicant, states that the Applicant submitted several representations and the copies of the representation those were submitted during the year, 2000 and 2007 have only been annexed with the O.A. If that is so, then also this case is grossly barred by delay and latches; for successive representations cannot condone the delay and latches.

7. On the face of the above, Mr. B.C. Jena, Ld. Counsel appearing for the Applicant, has submitted a Memorandum seeking permission to withdraw this/present O.A.

8. In the aforesaid premises this O.A. is permitted to be withdrawn and, as a consequence, this case stands disposed of.

9. Send copies of this order to the Respondents, along with copies of this O.A., and free copies of this order be handed over to the Ld. Counsels appearing for both the parties.


(M.R. MOHANTY)
VICE-CHAIRMAN