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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

O.A.No. 136 of 2009  
Cuttack, this the 15<sup>th</sup> day of March, 2011

Haripada Sahu .... Applicant

-v-

Union of India & Others .... Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not?
2. Whether it be circulated to Principal Bench, Central Administrative Tribunal or not?

  
(A.K.PATNAIK)  
Member(Judl)

  
(C. R. MOHAPATRA)  
Member (Admn.)

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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

O.A No. 136 of 2009  
Cuttack, this the 15<sup>th</sup> day of March, 2011

CORAM:

THE HON'BLE MR.C.R.MOHAPATRA, MEMBER (A)  
A N D  
THE HON'BLE MR.A.K.PATNAIK, MEMBER (J)

Haripada Sahu, aged about 31 years, Son of Kashinath Sahu,  
At-Purusottampur, PO. Kakhara, Dist. Balasore.

.....Applicant

By legal practitioner: M/s.P.Priyambada,C.K.Dey, Counsel.

-Versus-

1. Union of India represented by Secretary to Government of India, Ministry of Defence (Navy), New Delhi.
2. The Chief of Naval Staff HQ of Ministry of Defence (Navy), New Delhi.
3. The Flag Officer Commanding in Chief Eastern Naval Comman., Visakhapatnam.
4. The Admiral Superintendent, Naval Dockyard, Visakhapatnam.
5. The Commandant Superintendent, Naval Ship Repair Yard, Cochin.

....Respondents

By legal practitioner: Mr.S.B.Jena, ASC

O R D E R

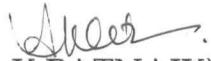
MR. C.R.MOHAPATRA, MEMBER (ADMN.):

The Naval Dockyard, Visakhapatnam published an advertisement for filling up of various posts including the post for which the applicant was one of the aspirant candidates for a positive act of selection. But apprehending rejection of his candidature due to his over age he has approached this Tribunal in the present OA seeking direction to the Respondents to absorb him in the post of Skilled Tradesman. By order dated 9<sup>th</sup> April, 2009

this Tribunal while directing issue of notice to the Respondents to file their counter, as an interim measure, direction was issued to the Respondents to allow the applicant to sit at the examination along with others.

2. Respondents filed their counter, in which besides objecting to the stand of the Applicant, have stated that pursuant to the direction of this Tribunal, the applicant was allowed to participate in the Selection but he came out unsuccessful in the said test. Copies of the result sheet have been produced by the Respondents at Annexures-R-4 & R-5.

3. Heard Learned Counsel for both sides and perused the materials placed on record. Since the post in question was to be filled up by way of positive act of selection and the applicant having been unsuccessful in the said test, we do not find any cogent reason to deal with the matter on merit in so far as the eligibility of the applicant to appear at the said test is concerned. Hence, this OA stands dismissed by leaving the parties to bear their own costs.

  
(A.K.PATNAIK)  
Member(Judl)

  
(C. R. MOHAPATRA)  
Member (Admn.)