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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO. 31 OF 2011
CUTTACK, THIS THE 11th DAY OF October, 2013

Bidyadhar Parida.....Applicant

Vrs.

Union of India & OrsRespondents

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 ?



**(R.C.MISRA)
MEMBER (ADMN.)**



**(A.K.PATNAIK)
MEMBER (JUDL.)**

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO. 31 OF 2011
CUTTACK, THIS THE DAY OF October, 2013

CORAM

HON'BLE SHRI A.K. PATNAIK, MEMBER (JUDL.)
HON'BLE SHRI R.C.MISRA, MEMBER (ADMN.)

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Bidyadhar Parida,
Aged about 43 years,
S/o Sri Anirudha Parida,
Vill/Post: Gurujanga,
Via- P.N.College, Dist: Khurda,
Pin- 752057.

.....Applicant

(Advocate(s) : M/s. P.K.Padhi, M. Rout)

VERSUS

Union of India Represented through

1. Chief Post Master General,
Orissa Circle,
AT/PO-Bhubaneswar,
Dist. Khurda-751001.
2. Sr. Superintendent of Post Offices,
Puri Division,
At/PO/Dist: Puri, 752001.
3. Assistant Superintendent of Post Offices,
Khurda Sub Division,
At/PO/Dist: Khurda.

... Respondents

Advocate(s)..... Mr. D.K.Behera.

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ORDER

MR. A.K.PATNAIK, MEMBER (JUDL.):

The applicant is at present working as EDDA of
Gurujanga Branch Post Office in account with Khurda Head Office in
Puri Division.



Respondents' department had issued notification for holding the departmental examination for promotion of Group-Mailman and GDS to Postman/Mail-guard cadre for the vacancies of the year 2009 and 2010 vide a notification dated 19.10.2010. Applicant in pursuance of the said notification applied for being considered for the vacancy of Postman. The other candidates, who had applied pursuant to the notification dated 19.10.2010 were issued admit cards whereas since the applicant could not receive any such admit card/hall permit to appear in the examination scheduled to be conducted on 30.01.2011, through representation dated 21.01.2011 he brought the said fact to the notice of the Sr. Supd. of Post Offices, Puri Division, Puri. Having received no reply as well as the hall permit/admit card, the applicant approached this Tribunal in the instant O.A. with prayer to direct the Respondents to allow him to sit in the departmental examination for the post of Postman to be held on 30.01.2011 OR to quash the examination for the post of Postman held on 30.01.2011 and to direct the Respondents to conduct the examination afresh. By way of interim relief, he has prayed for direction to Respondent No.2 to allow him to sit in the examination scheduled to be held on 30.01.2011.

2. When the matter was listed on 25.01.2011, after considering the rival submissions of the parties, this Tribunal directed issuance of notice to the Respondents to file their reply/counter and as an ad interim measure directed as under:

"Since, Mr. Behera, Ld. A.S.C. seeks time to obtain instruction in the matter and the examination is scheduled to be held on 30.01.2011, keeping in view the urgency of the matter, Respondent No. 2 is hereby

12/01/2011

directed to allow the applicant to sit in the examination on 30.01.2011, if he is otherwise eligible to be considered for the post of Postman/Mail-guard, on production of a copy of this order. However, it is made clear that the result of this examination, insofar as the applicant is concerned, shall not be published without the leave of this Tribunal and this permission shall not confer any right on the applicant to claim appointment to the post in question."

3. In pursuance of the interim direction of this Tribunal dated 25.01.2011, the Respondents allowed the applicant to sit in the examination held on 30.01.2011 but his result has not been declared.

4. Respondents have filed their counter in which it has been stated that the reason of not issuing the hall permit/admit card to the applicant to appear in the said examination was that the applicant did not furnish two recent passport size photographs duly attested by him along with the application as provided in the advertisement. However, it has been submitted by the Respondents that in the meantime the applicant has furnished another one passport size photograph. It has further been stated that in pursuance of the interim direction of this Tribunal, the applicant was allowed to participate in the examination but the result has not been declared.

5. We have heard Mr. P.K.Padhi, Ld. Counsel for the applicant, and Mr. D.K.Behera, Ld. Additional Central Government Standing Counsel appearing for the Respondents, and perused the materials placed on record.

6. We find that since the only reason for not issuing the hall permit/admit card to the applicant was due to non-furnishing of two


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recent passport size photographs duly attested by him along with the application, however, he has already submitted another photograph subsequently and in pursuance of the interim direction of the Tribunal applicant has already been permitted to participate in the examination held on 30.01.2011, we find that ends of justice would be met if a direction is given to the Respondents to declare the result of the applicant and take further necessary action as has been taken with regard to the other candidates based on the result of the said examination.

7. Accordingly, Respondents are directed to declare the result of the applicant and act upon the performance of the applicant in the said examination within a period of 60 days from the date of receipt of copy of this order.

8. With the above observation and direction, this O.A. stands allowed to the extent stated above.

9. Copies of this order be handed over to the Ld. Counsel appearing for the parties.


(R.C.MISRA)
MEMBER (ADMN.)


(A.K.PATNAIK)
MEMBER (JUDL.)