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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 762 of 2011

Cuttack this the 4th day of September, 2013

CORAM

HON'BLE SHRI A.K.PATNAIK, MEMBER (J)

HON'BLE SHRI R.C.MISRA, MEMBER (A)

.....

Ashok Kumar Behera, aged about 39 years, Son of Shri Aparti Charan Behera, Village-Mangadeipur, PS-Kishorenagar, PO-Khantalo, Dist. Cuttack at present working as GDSMD, Kalarabank BO in account with Raghunathpur SO, Dist. Cuttack I/c BPM Sirlo Nabagram BO.

.....Applicant

(By the Advocate(s)-M/s. S.P.Mohanty, P.Lenka, M.Barik)

-VERSUS-

Union of India represented through

1. Secretary to Government, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. Chief Post Master General, Orissa Circle, Bhubaneswar, Dist. Khurda.
3. Superintendent of Post Offices, Cuttack South Division, Cantonment Road, Cuttack.
4. Inspector of Posts, Cuttack Central Sub Division, Cuttack.

.....Respondents

(By the Advocate(s)-Mr.R.C.Behera)

O R D E R

(Gral)

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

The Applicant who is a permanent incumbent to the post of GDSMD, Kalarabank Branch Post Office in account with Raghunathpur Sub Post Office in the district of Cuttack and at present working as In charge BPM, Sirlo Nabagram Branch Post

Office has filed this Original Application praying therein for a direction to the Respondents to issue him Hall Permit to ~~appear to~~ appear at the Postman Examination scheduled to be held on 27.11.2011 which was also the interim direction prayed for by him.

2. Respondents have filed their counter stating therein that as the applicant did not fulfill the eligibility condition inasmuch as he did not have the qualifying years of service, he is not entitled to the relief claimed in this OA. Further it has been stated that in compliance of the order of this Tribunal dated 14.11.2011 the representation preferred by the applicant in the above effect was considered but the same as rejected and intimated to the applicant vide letter dated 16.11.2011. Further it has been contended by the Respondents that in pursuance of the interim order of this Tribunal dated 18.11.2011 applicant has already been permitted to participate and he had also participated along with other eligible candidates/employees in the selection conducted by them for the post of Postman.

3. We have heard Mr.S.P.Mohanty, Learned Counsel for the Applicant and Mr.R.C.Behera, Learned Additional CGSC appearing for the Respondents and perused the records.

4. Mr.Mohanty, Learned Counsel for the Applicant submitted that though the applicant had appeared at the selection in pursuance of the order of this Tribunal dated 18.11.2011 but his result


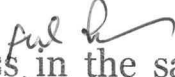


has not been declared. Further he has sought time to amend this OA by bring^{ing} the letter dated 16.11.2011 in which the prayer of the applicant was rejected and communicated to him. He has also brought to our notice that the applicant also filed another OA No. 462/2011 seeking direction for payment of arrear pay and allowances from 1998 till his reinstatement on 31.3.2010 in which hearing has already been concluded and reserved for orders. On the other hand, Mr. Behera, Learned Additonal CGSC appearing for the Respondents submitted that the applicant has already been allowed to participate in the selection but his result has not been declared and if the applicant succeeds in OA No. 462 of 2011 then his result would be declared and if he comes out successful then action would be taken by the Department as per Rules/Law. But as it is, after the applicant has been allowed to participate in the ^{examination} ~~OA~~ there remains nothing further to be adjudicated in this OA. Further he has contended that if the applicant is not satisfied with the order of rejection he can challenge the same in a separate OA but certainly not in this OA that too at this stage. Accordingly, he has prayed for dismissal of this OA being infructuous.

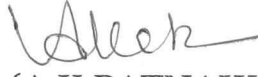
5. After considering the rival submissions of the parties we agree with the contentions advanced by Mr. Behera, Learned Additional CGSC appearing for the Respondents that the prayer of the applicant in this OA was to direct the Respondents to allow him to




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participate in the selection and therefore, the applicant having ^{been} 
allowed to participate in the selection on the strength of the interim
order of this Tribunal there remains nothing further in this OA to be
adjudicated upon. It was also not the prayer of the applicant to direct
the Respondents to allow the applicant to participate at the selection
and if he comes out success^{ful}  in the said examination he should be
appointed to the post and, therefore, the prayer of the applicant to
direct the Respondents to publish the result, at this stage cannot be
accepted. In view of the above, this OA is held to be infructuous and
is accordingly dismissed by leaving the parties to bear their own costs.


(R.C.MISRA),
Member(Admn.)


(A.K.PATNAIK)
Member (Judi.)