

OA No. 270 of 2009  
Babrubahan Swain .... Applicant  
Versus  
Union of India & Ors. .... Respondents

1. Order dated 6<sup>th</sup> August, 2009.

Selection and appointment of Respondent Nos.4&5 to the post of Junior Stenographer cum Operator in the Central Rice Research Institute, Bidyadarpur, Cuttack has been assailed by the Applicant in this second round of Original Application filed U/s.19 of the A.T. Act, 1985 seeking the following relief:

- “(a) The rejection order passed by the Opposite Party No.2 dated 30.07.2008<sup>9</sup> under Annexure-2 be quashed and it be declared that the applicant is entitled to be selected to the post of Jr. Stenographer cum Computer Operator at CRRI, Cuttack or KVK Santhapura;
- (b) Any other appropriate order be also passed or direction be made which deems just and proper and this Original Application be allowed with cost.”

2. Heard Learned Counsel for the Applicant and Learned Counsel for the Union of India and perused the materials placed on record.

3. It is seen that the pleadings made in this OA are totally vague inasmuch as there is no mention when advertisement was made, what is the eligibility criteria of the candidates put in the advertisement, when written test was held and when appointment letters were issued to the Respondent Nos.4&5. Neither copy of the advertisement nor even the letter of appointment of Respondents 4&5 has been filed or challenged in this OA. According to the Applicant he has earlier approached this Tribunal in OA No. 432 of 2007 but the same was withdrawn by him on 31.10.2007. No copy of such order has also been annexed to this OA at least to know what the challenge was made in that OA and whether permission was granted for filing this OA afresh. Even otherwise also we find no merit in this OA as by filing this OA he challenges his non-selection and selection of Respondents 4&5 to the post in question in the

selection held in the year 1999 pursuant to an advertisement issued in the year 1998. No prima facie case has been made out either in the pleadings or even in course of hearing even to admit this OA. Admittedly, applicant submitted representation challenging his non-selection only on 25.02.2008 which was rejected on 30.07.2008. But that order of rejection cannot give new life to an action which was set at rest long years ago. Besides the above, this OA is also grossly hit by law of limitation.

4. In view of the discussion made above, this OA fails both on merit as also law of limitation and is accordingly dismissed.

5. Send copies of this order along with OA to all the Respondents and free copies of this order be given to Learned Counsel for both sides.

Thankappan  
(JUSTICE K. THANKAPPAN)  
MEMBER(JUDL.)

Chattopadhyay  
(C.R. MOHAPATRA)  
MEMBER (ADMN.)