


IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.


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Original Application No. 87 of 2009
Cuttack, this the 30th day of March, 2009

Krushna Chandra Nishanka Applicant
Versus
Union of India & Ors. Respondents

FOR INSTRUCTIONS

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


(JUSTICE K. THANKAPPAN)
MEMBER (JUDICIAL)


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

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
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C O R A M:

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

Krushna Chandra Nishanka, aged about 42 years, S/o. Late Brajabihari Nishanka of Batapur, PO. Gangapada, PS Chandaka, Dist. Khurda, at present statoni workshop EME, Balasore.

.....Applicant

By Advocate : M/s.Janmejy Dash, N.K.Sahoo

- Versus -

1. Union of India represented through Director General of EME (Civil-2) Mater General of Ord Branch, Integrated Head Quarter, Ministry of Defence (Army), District Head quarter, Post Office-New Delhi-110105.
2. Electronic Mechanical Engineering, Records (Civil-1), Secunderabad-21.
3. Deputy Director (EME Br.), Head quarter Madhya Bharat, Area Jabalpur (Madhya Pradesh).
4. Office Commanding, Station Workshop, E.M.E, Balasore, Chandipur-756025, Dist. Balaosre.

....Respondents

By Advocate :Mr.R.C.Behera.

O R D E R

Per- MR. C.R.MOHAPATRA, MEMBER (A):-

Heard Learned Counsel for the parties on the question of admission. We feel that there is no need to give much stress by recording the fact of the matter as the issues involved in this case can be decided on the basis of the law of the land. Therefore, it would suffice to state that Applicant is at present working under the Officer Commanding, Station Workshop, E.M.E., Balasore, Chandipur, Dist. Balasore. In order to fill up two posts of Fitter

interview was scheduled to be held on 22.12.2008 to 23.12.2008. But the said interview was cancelled for the reason available under Annexure-A/6 that the two posts of VM(MV) and two posts of Fitter for which interview was scheduled to be held have been withdrawn. The said decision of withdrawing the release of vacancies thereby cancelling the selection is under question in this OA. It is contended on behalf of the Applicant that by cancelling the selection the interest of applicant to be promoted at the fag end of his service career has been jeopardized. As such, the order impugned needs to be quashed.

2. Having heard Learned Counsel for the Applicant as also for the Respondents, we find no reason to entertain this Original Application as it is trite law that creation and abolition of posts are within the domain of the Government and no court should interfere in the same, **State of Harayana and Others v Navneet Verma**, 2008 (2) SLR 775 (SC). Even if one has been selected he/she does not have any legal right of appointment - Legitimate expectation is not the same thing as anticipation. It is distinct and different from a desire and hope. Judiciary ordinarily would not interfere in a matter involving policy decision-**Jitendra**



Kumar and others v State of Harayana and Anr, 2008 (3) SLR 139 (SC).

3. In view of the above, we find no infirmity in the cancellation of the selection or the withdrawal of the released vacancies under Annexure-A/6 date 23rd December, 2008. Hence, this OA stands dismissed by leaving the parties to bear their own costs.



(JUSTICE K. THANKAPPAN)
MEMBER (JUDICIAL)



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