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K.Jagat-Vrs-UOI&Ors

OA No.260/00599 /14

Order dated-7<sup>th</sup> August, 2014.

CORAM

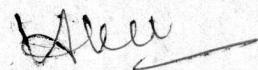
HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL)  
HON'BLE MR. R. C. MISRA, MEMBER (ADMN)

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Heard Mr. B.C.Ghadei, Learned Counsel for the Applicant and Mr.S.B.Jena, Learned Additional CGSC appearing for the Respondents and perused the records.

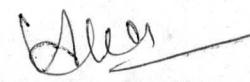
2. We find from the record that this case relates to selection and appointment of Respondent No.4 to the post of GDSBPM of Pharsara Branch Post Office in account with Boden Sub Post Office in the District of Nuapada/Odisha. The Applicant in this OA has prayed to quash the order of appointment of Respondent No.3 (sic) dated 24.06.2014 (Annexure-8) and to direct the Respondent Nos. 1 and 2 to issue order of appointment in his favour.

3. Mr.Ghadei's contention is that though the selected candidate is not a resident of post village where the post office is situated and as per the conditions stipulated in the advertisement, on repeated opportunity, since she failed to provide rent free accommodation, the applicant being the second meritorious candidate



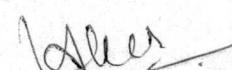
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should have been issued the offer of appointment but with oblique motive the authorities have kept the selection of the private Respondent alive and issued her the offer of appointment after two years i.e. on 24.6.2014 which is highly illegal, arbitrary and her appointment needs to be quashed. On the other hand, Mr.Jena vehemently opposed the very maintainability of this OA on the ground that the order which the applicant has, in this OA, sought to quash is not an order of appointment but is an order stating the training schedule. Similarly, by invoking the provision enumerated in Section 20 of the A.T. Act, 1985, it was submitted by Mr.Jena that as the applicant has approached this Tribunal without first ventilating her grievance before the authorities by making any representation, this OA is liable to be dismissed. In order to meet the above point, Mr. Ghadei drew our attention to Annexure-5 which is a representation submitted by the villagers even prior to the order sending the applicant for training. Therefore, in our considered view that the said representation cannot be taken as the compliance of the provision enshrined under Section 20 of the A.T. Act, 1985. It is needless to state that strict adherence to the procedure prescribed under the Act and Rules made thereunder is sine qua non in maintaining an Original



Application before this Tribunal. Further to get rid of the "weed" so to speak, one had to eliminate the 'root'. The order under Annexure-8 which is sought to be quashed in this OA is consequential of the order of appointment which has not been impugned in this OA. Since the root of the order under Annexure-8 has not been challenged and had it been so it would have been only after making effort to redress her grievance before the competent authority of the Department at the first instance, this OA is not maintainable and accordingly the same is dismissed by leaving the parties to bear their own costs.

  
(R.C.Misra)  
Member(Admn.)

  
(A.K.Patnaik)  
Member (Judicial)