

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

**O. A. NO. 260/00 725 OF 2014**

Cuttack this the 15<sup>th</sup> day of October, 2014

**CORAM**

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

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

.....

Tapan Kumar Nayak,  
aged about 32 years,  
Son of Sri Bishnu Charan Nayak,  
Village- Chandpur, PO – Biridi Road,  
Dist- Jagatsinghpur- 754111.

...Applicant

(Advocates: M/s. P.K.Padhi, M.P.J.Ray, J.Mishra )

VERSUS

Union of India Represented through

1. Director General of Posts,  
Dak Bhawan, Sansad Marg,  
New Delhi-110116.
2. Director of Postal Services,  
O/o Chief Post Master General,  
Odisha Circle, Bhubaneswar-751001.
3. Superintendent of Post Offices,  
Cuttack South Division,  
P.K.Parija Marg, Cuttack - 753001.
4. Asst. Superintendent of Post Offices,  
Jagatsinghpur Sub-Division,  
At/PO/Dist-Jagatsinghpur.

... Respondents

(Advocate: Ms. S. Mohapatra )

.....



**ORDER (ORAL)**

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

Heard Mr. P.K.Padhi, Learned Counsel for the Applicant, and Ms. S. Mohapatra, Ld. Addl. Central Govt. Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served, and perused the materials placed on record.


2. Applicant (in this second round of litigation) has filed this O.A. on 29.09.2014 under Section 19 of the Administrative Tribunals Act, 1985 stating therein that he was appointed as casual labour (contingent paid Waterman) of Barabati Stadium Sub-Post Office on 01.07.1996 but due to the abolition of Barabati Stadium S.O. his service as casual labour came to an end after rendering about 15 years of service and, therefore, he has prayed for in this O.A. a direction to the Respondents to give him due weightage for his past service of more than a decade as casual labour in the Department for appointment as GDS MC of S. Basandara B.O. in account with Biridi Road S.O.

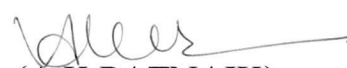
3. As it appears that claiming compassionate appointment the applicant had earlier approached this Bench in O.A. No. 594/06. Being aggrieved by the order of this Tribunal, he filed W.P.(C) No. 16551 of 2008 before the Hon'ble High Court of Orissa, which was disposed of on 02.03.2009 with direction that as soon as the ban is lifted, the case of the petitioner may be considered giving effect to the order of the Tribunal. Thereafter, alleging non-compliance of the order, the applicant filed CONTC No. 916 of 2010 before the Hon'ble High Court of Orissa, which was disposed of on 01.05.2013 with the following observation:



“We, therefore, dispose of the contempt petition with the observation that if the recruitment process is initiated for filling up of the above vacancies, the petitioner will be granted liberty to make an application and the case of the petitioner shall be considered, if he is otherwise found eligible”.

4. The Respondents issued Notification dated 01.09.2014 inviting application for filling up of the post of GDS Mail Carrier at S. Basandra BO in account with Biridi Road SO in which the last date of receipt of application was fixed as 01.10.2014. The case of the applicant is that in pursuance of the said notification he applied for consideration along with others. Before the expiry of last date of receipt of application, the applicant has filed the present O.A. on 29.09.2014 seeking direction to the Respondents to consider his case for appointment to the said post in account with Biridi Road SO. We are aghast to note as to why the applicant has approached this Tribunal seeking for a direction to the Respondents to consider his case for the post in question. He has a right to be considered along with others if he fulfills the conditions stipulated therein more so when the specific order of the Hon'ble High Court of Orissa dated 01.05.2013 in CONTC No. 916 of 2010 is in existence. Therefore, we hold that this O.A. is nothing but bogus besides being premature one. Accordingly, the O.A. is dismissed. There shall be no order as to costs.

  
(R.C.MISRA)  
MEMBER(Admn.)

  
(A.K.PATNAIK)  
MEMBER(Judl.)