

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA**

ORIGINAL APPLICATION NO.1426 /1996

Date of order: 10 .05.2005

CORAM:

HON'BLE MR. J. K. KAUSHIK, JUDICIAL MEMBER.

HON'BLE MR. A.K. BHATT, ADMINISTRATIVE MEMBER.

Abdul Wohab Gazi, Son of Late Noor Mohammad Ali Gazi, resident of Village-Ujore (Uttar Khaiyamara), P.O. Khaiyamara, P.S. Joynagar, District-South 24 Parganas.

...Applicants.

[Rep. by Mr. J. Saha, advocate for applicants]

V E R S U S

1. The Union of India Service through the Secretary, Ministry of Communications, Department of Posts, Dak Bhavan, New Delhi-110 001.
2. Chief Postmaster-General, West Bengal Circle, Yoga-Yog Bhavan, Calcutta-700 012.
3. Superintendent of Post Offices, South Presidency Division, P.O. Baruipur, District-South 24 Parganas.
4. Abdul Jalil Molla, son of Shri Abdur Rahaman Molla, resident of village-Ujore, P.O. Khaiyamara, District-South 24 parganas.

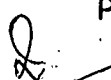
...Respondents.

[Rep. by Mr. M.S. Banerjee and Mr. J.M.Bhattachariya, Advocates for respondents]

O R D E R

Per Mr. J.K. Kaushik, Judicial Member

Shri Abdul Wohab Gazi has filed this Original Application under Section 19 of the Administrative Tribunal Act wherein he has assailed the order of appointment in favour of respondent No. 4 and has sought for a direction for his appointment on the Post of EDBPM Khaiyamara B.O, amongst other reliefs.



2. We have heard the learned counsel for both the parties and have very carefully perused the records of this case.

3. At the very outset, the learned counsel for the respondents have invited our attention that against the same selection an O.A. No. 1364/1996 was filed by One Shri ^BVasude^b Sardar before this very Bench of the Tribunal and the same has been decided vide order dated 05.05.2005. It has been submitted that the very applicant in the present applicant has been ordered to be given an offer of appointment in that case for the reason that he has obtained the highest marks in the selection. He has submitted that in this view of the matter, this Original Application has rendered infructuous and the same no more survives. The learned counsel for the Respondent No. 4 has accepted the factual aspect. We take the judicial notice of the said decision and direct the placement of a copy of the same on the records of this case. We find that the appointment order in favour of Respondent No. 4 has already been quashed and incidentally, it is the applicant who scored the highest marks in the same selection and has been order to be given the offer of appointment. No further debate or fresh discussion is, therefore, required in this case. However, the contents of the said decision shall be treated as part of this order. We have no difficulty in declaring this case as infructuous. However, before parting with this case, we have a word for the parties, especially the respondents, that such cross cases should got tagged and should



be heard together so as to avoid any inconsistency in decisions and the same shall be furtherance of imparting proper justice to the parties. We hope and trust that it shall take note of and necessary help extended in administration of justice in future.

4. In view of what has been said and discussed above and particularly in view of the order dated 05.05.2005 passed in O.A. 1364/1996 ^B ~~Xasudev~~ ^G Sardar Vs. UOI and Ors, the original application of the applicant impliedly stands allowed and technically it has become infructuous. The same is disposed of accordingly. No costs.


(ANAND KUMAR BHATT)
ADMINISTRATIVE MEMBER


(J.K. KAUSHIK)
JUDICIAL MEMBER

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