

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

NO. MA 311 of 2000  
MA 229 of 2002  
(OA 615 of 1996)

Date of Order : 15/4/2004

Present : Hon'ble Mr. N. Prusty, Judicial Member.  
Hon'ble Mr. N.D. Dayal, Administrative Member.

ARUN KR. NANDA

VS

UNION OF INDIA & ORS.

For the applicant : Mr. M. Maity, Counsel.

For the respondents : Mr. B. Mukherjee, Counsel.

O R D E R

N. Prusty, J.M.

Both the MA Nos. 311 of 2000 and 229 of 2002 have been filed for modification/vacation of interim order dated 16/5/96 by the private respondents as well as the official respondents respectively. Inspite of repeated adjournment nobody appeared on behalf of the respondent/the applicant in the O.A. After the sad demise of Mr. Samir Ghosh, Ld.Counsel who was earlier appearing for the applicant in the O.A., nobody has yet been engaged in his place.

2. The applicant in MA 311/2000 is the private respondent No.6 in the O.A. Ld. Counsel appearing for the applicant in MA 311/2000 submits that even though he was duly selected by the official respondents for the post of EDBPM, Jogindrapur, he is not in a position to join the post because an interim order is continuing in the O.A.

3. Mr. B.Mukherjee, Ld.Counsel appearing for the official respondents submits that the respondents have also filed MA 229/2002 for vacating the interim order, since the selection to the post is already over since long and the official respondents are not in a position to fillup the post on regular basis by appointing the duly selected candidate, because of the interim order dated 16/5/96 in O.A. 615/1996.

4. We have heard the Ld. Counsel for the applicants in both the MAs. It is a fact that regular selection process for appointment of EDBPM, Jogindrapur is over since long. Private Respondent No. 6 fulfilled all the requisites conditions and qualification and was in 2nd position in the Panel prepared on the basis of the interview. The candidate who stood 1st in the panel declined to join the post, since he had already joined in another service. As such the private respondent No. 6 being next in the merit list is to get appointment. But no appointment letter is being issued in his favour because of the interim order. Considering all the materials available on record, we are satisfied that there are sufficient grounds for vacating the interim order.

5. In view of the above interim order passed on 16/5/96 in OA 615/96 is vacated. The respondent authorities are at liberty to proceed in the matter of giving appointment to the selected candidate to the post of EDBPM at Jogindrapur Branch Post Office, following due procedure as per rules.

6. Both the MAs are accordingly allowed. No costs.

7. OA be listed for hearing on 12/5/2004. It is made clear that if nobody appears on behalf of the applicant in the OA, or the applicant himself shall not remain present on the next date, appropriate orders shall be passed in the matter.

  
MEMBER (A)

  
MEMBER (J)