

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK,**

ORDER SHEET

COURT NO. : 1

18/03/2019

O.A./260/182/2019
WITH IP

P MAHALIK
-V/S-
D/O POST

ITEM NO:20

FOR APPLICANTS(S) Adv. : Mr. C.P. Sahani

FOR RESPONDENTS(S) Adv.: Mr. A.C. Deo

Notes of The Registry	Order of The Tribunal
	<p>Heard Ld. Counsels for the applicant and respondents.</p> <p>Ld. Counsel for the applicant submits that in a similar case this tribunal has passed order dated 30.01.2019 in O.A. No.82/2019 directing the respondents to dispose of the representation and till such disposal one post of AAO will not be filled up since the applicant has not been selected in spite of securing more marks than the candidate who has been included in the list and promoted. In the present case the applicant has secured 328 marks and he belongs to SC category candidates and one SC category candidate empanelled in the select list has secured 222 marks which is less than applicant's marks. As submitted by the applicant's counsel, the reason for which the applicant has not been included in the select list although he has secured more marks, has not been communicated to him. He submitted that his grievance will be addressed for the present if a direction is given for disposal of the applicant's pending representation.</p> <p>The respondent's counsel vehemently objected for any interim relief in favour of the applicant since the</p>

name of the applicant is not included in the select list.

However, since the reasons for non-inclusion of the applicant in the select list in spite of securing higher marks than candidates being promoted have not been communicated to the applicant and in view of the limited prayer made by the applicant's counsel for disposal in the light of order in OA No. 82/2019 and without going into the merit of this case, the O.A. is disposed of at this stage with a direction to Respondent No.2/competent authority to consider the representation dated 06.12.2018 and 01.02.2019 (Annexure-A/9 series) by passing a speaking order under intimation to the Applicant within a period of two months from the date of receipt of copy of this order and till such a decision is taken by respondent no.2/competent authority, one post of AAO in SC category should not be filled up from the select list.

The O.A. is disposed of accordingly. No costs.

(SWARUP KUMAR MISHRA)
MEMBER (J)

(GOKUL CHANDRA PATI)
MEMBER (A)

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