

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No. 3025 of 2004

Hrudananda Patnaik

....

Petitioner

Mr. P.K. Mohanty-2, Advocate

-versus-

Union of India and others

....

Opposite Parties

Mr. D.R. Bhokta, CGC

**CORAM:
THE CHIEF JUSTICE
JUSTICE R. K. PATTANAIK**

ORDER

27.04.2022

Order No.

- 04.
1. The Petitioner questions an order dated 6th November 2003, passed by the Central Administrative Tribunal, Cuttack Bench, Cuttack (CAT), dismissing the O.A. No.310 of 2001.
 2. The Petitioner had worked as an Extra Departmental Delivery Agent (EDDA), on temporary basis at the Pakshayot Branch Post Office under Danpur Sub-Post Office of Kendrapara Head Post Office. By the impugned order, the CAT negated his challenge to the appointment of Opposite Party No.6 as EDDA and his further prayer to appoint him instead as the EDDA of the said Branch Post Office.
 3. As it transpires, the Petitioner had gained experience of 72 days while working as a substitute for the permanent incumbent EDDA of the said Branch, who had retired. The case of the Opposite Parties was that the candidature of the Petitioner was in fact considered and his merit position was at Serial No.19. The Opposite Parties were also able to show that the selected candidate i.e.,

Opposite Party No.6 was not a near relative of the Branch Post Master as alleged by the Petitioner.

4. The CAT was not impressed with the allegation of the Petitioner that Opposite Party No.6 belonged to the same family as the Branch Post Master. He was unable to substantiate the allegation since the Voters' List produced by him was not a certified copy and in any event, did not show that they were in a 'joint mess'.

5. Having heard learned counsel for the parties, the Court is not persuaded that the CAT has committed any error in rejecting the contentions of the Petitioner and his prayers.

6. It is then contended that if the Petitioner has worked for 72 days, he should be paid proportionately for that period. Mr. Bhokta, learned Central Government Counsel for Opposite Party Nos.1 to 5 states that if the Petitioner makes an application for that purpose, it will be considered and appropriate orders will be issued within a period of four weeks from the date of making such application. The said statement is taken on record.

7. The writ petition is disposed of in the above terms.

8. Urgent certified copy of this order be issued as per rules.

(Dr. S. Muralidhar)
Chief Justice

(R. K. Pattanaik)
Judge