

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 41953 of 2021

Sujata Routray

.....

Petitioner

Mr. P.K. Padhi, Adv.

Vs.

Union of India and others

.....

Opposite Parties

Mr. M.K. Pati, CGC

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

11.03.2022

Order No.

1.

This matter is taken up through hybrid mode.

2. Heard Mr. P.K. Padhi, learned counsel for the petitioner and Mr. M.K. Pati, learned Central Government Counsel.

3. The petitioner has filed this writ petition assailing the order dated 14.12.2020 passed by the Central Administrative Tribunal in O.A. No. 395 of 2014 under Annexure-1, rejecting the claim for appointment as Postal Assistant.

4. Mr. P.K. Padhi, learned counsel for the petitioner contended that the father of the petitioner, while working as Group-D in Rameswar SO in Cuttack South Division, expired on 03.06.1997 and the Circle Relaxation Committee, taking into consideration the condition of the family, approved the case of the petitioner for giving posting in P.A. cadre, vide order dated 08.10.1997. But she was given training and allowed to work on daily wage basis in P.A. cadre against leave vacancy under Athagarh Head Post Office from time to time up to 07.03.2001 by opposite party no.3. After working for about three and half years, the petitioner was not given regular posting and she was posted as GDSBPM, Bindhanima BO in account with Tigiria SO under opposite party

no.3 on 16.11.2004. Thereafter, coming to know that this Court, vide order dated 03.12.2008 passed in W.P.(C) No. 6812 of 2003 and W.P.(C) No. 12969 of 2004, directed to give posting to those, who were awaiting posting in P.A. cadre, the petitioner approached the tribunal by filing the original application. Since by that time more than 18 years had passed, the tribunal did not feel inclined to entertain the original application and rejected the claim of the petitioner by dismissing the original application stating that the same suffers from delay and laches. Therefore, the petitioner has approached this Court by filing the present writ petition.

5. Having heard learned counsel for the parties and after going through the records, this Court finds that admittedly the petitioner got an employment on compassionate ground under rehabilitation assistance scheme. Though he is entitled to be absorbed in regular vacancy, but she was posted on daily wage basis and thereafter on 16.11.2004 the authority allowed her to work as GDSBPM, Bindhanima BO in account with Tigiria SO under opposite party no.3, which she accepted without any protest. More so, the petitioner was waiting the result of the judgment of this Court passed in W.P.(C) No. 6812 of 2003 and W.P.(C) No. 12969 of 2004, and after the judgment was delivered, she approached the tribunal in the year 2014. Even though the judgment was passed in the year 2008, the petitioner waited till 2014 and filed the original application. Therefore, as a fence sitter, the petitioner is not entitled to get any relief. Apart from the same, the original application also suffered from delay and laches. Thereby, the tribunal is well justified in rejecting the claim of the petitioner and there is no reason for this Court to interfere with the

same.

6. Accordingly, the writ petition merits no consideration and the same is hereby dismissed.

(DR. B.R. SARANGI)
JUDGE

Ashok/Puspa

(SAVITRI RATHO)
JUDGE

