

(
SLP(C)No. 5496 OF 2001
ITEM No.206

Court No. 2

SECTION XIA
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.5496/2001

(From the judgement and order dated 28/02/2001 in OJC 14089/99
of The HIGH COURT OF ORISSA AT CUTTACK)

RASABIHARI PADHI

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.

Respondent (s)

(With prayer for interim relief and office report)
(For Final Disposal)

Date : 24/01/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE G.P. MATHUR

For Petitioner (s) Mr. P.V. Dinesh, Adv.
Mr. P.V. Vinod, Adv.
Mr. Sindha T.P., Adv.

For Respondent (s) Ms.B. Vijaya Lakshmi Menon,Adv.
Mr. Raju Ramachandran, Sr. Adv.
Mr. T.V. Tarnam, Adv.
Mr. P. Parmeswaran,Adv.

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....T.....T.....T.....T.....T.....J.....
.SP2

Leave granted.
The appeal is allowed in terms of the signed
order.

.SP1 Charanjit [Om Prakash]
Court Master

[Signed order is placed on the file]

.....L.....T.....T.....T.....T.....T.....T.....J.....

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 583 OF 2003@@
CCCCCCCCCCCCCCCCCCCCCCCCCCCC
(arising out of SLP(C) 5496/2001)

Rasabihari Padhi .. Appellant

Vs.

Union of India & Ors. .. Respondents

O_R_D_E_R@@
AAAAAAAAAA

.....L.....I.....T.....T.....T.....T.....T.....T.....J.....

.SP2

Leave granted.

In an application filed before the Central Administrative Tribunal, a direction was sought for to appoint Jitendra Kumar Routray- Respondent No. 4 to the post of Postal Assistant. The successful candidates, including Respondent No. 4, were called for fresh performance test. He filed an application seeking for a direction not to hold further test for the selection to the said post as he was already selected. It appears that the appellant- Rasabihari Padhi and the contesting respondent No. 4~ come under the category of sport persons and they are carrom players. The case put forth by respondent No. 4, before the Tribunal, is that the ~ test held was not proper and with an ulterior motive to accommodate the appellant, they are trying to cancel the performance test.

It is submitted that the appellant had submitted an incomplete application and he was also over-aged and ..2/-

.PA

:2:

that is why he was not called for the test. Whether it is so or not, is not clear. One thing is clear that the appellant had not been made a party to the proceedings before the Tribunal, however, the relief was given. That order stood affirmed by the High Court.

In the circumstances, we set aside the order made by the High Court and that of the Tribunal and remit the matter to the Tribunal for fresh consideration after impleading the said appellant. It appears that respondent No. 4 has already joined the service. If that is so, status quo shall be maintained until disposal of the matter. It is appropriate for the Tribunal to dispose of the matter as expeditiously as possible, but not later than six months.

The appeal is allowed accordingly.

.SP1

.....J@@
AAAAAAAAAAAAAAAAAAAA
[S. RAJENDRA BABU]@@
AAAAAAAAAAAAAAAAAAAA

.....J@@
AAAAAAAAAAAAAAAAAAAAA
(G.P. MATHUR)@@
AAAAAAAAAAAAAAAAAAAAA

New Delhi,@@
AAAAAAAAAAAA
January 24, 2002 @@
AAAAAAAAAAAAAAAAAAAAA