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Date of Decision : September 8, 1986.

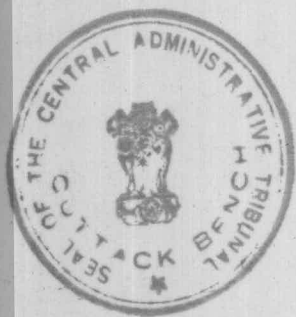
Mr. Ganeswar Rath, Addl. Standing  
Counsel (Central) ... For Respondents.

C O R A M :

THE HON'BLE MR.B.R.PATEL, VICE CHAIRMAN

A N D

THE HON'BLE MR.K.P.ACHARYA, MEMBER (JUDICIAL)



1. Whether reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ? Yes.

J U D G M E N T

K.P.ACHARYA, MEMBER(J)

This is an application under section 19 of the Administrative Tribunals Act, 1985, praying therein to allow the petitioner to continue as a Branch Post Master in addition to his duties performed in Jyotipur M.E.School as a Teacher.

2. Shortly stated, the case of the petitioner is that since a very long time the petitioner was serving in Jyotipur M.E.School( within the district of Keonjhar) as a teacher and simultaneously he was discharging the duties of the Branch Post Master in Fulkanlei which is situated at a distance of about 3 K.Ms. from Jyotipur M.E.School. Since the School timing and the official hours of functioning of a Post Office clashed with each other, the Superintendent of Post Offices, Keonjhar Division, informed the petitioner that it would not be possible to retain the petitioner as a Branch Post Master as his attendance in the School deprives many of the members of the public in getting due service of the Post Office in due time. In his reply, the petitioner disputed the allegations indicated above. Finally the Superintendent of Post Offices in his letter addressed to the petitioner ( Vi-de Annexure- 6) requested the petitioner to prefer either of the post and to give his option to the Postal authorities by 31st January, 1986 otherwise departmental action would be taken against him. Time was extended up to 15th February, 1986. Ultimately( vide Annexure-8) the petitioner was put off from duty and charges were framed against the petitioner. On 4th March, 1986 the petitioner (vide Annexure-11) tendered his resignation on the basis of which the petitioner was asked to hand over charge and he did so. Thereafter, the petitioner has come up with this





application with a prayer to quash the order putting the petitioner off from his duty and directing the petitioner to hand over charge of the Office of the Branch Post Master.

3. In their counter, the Respondents maintained that the work in the Post Office was very much dislocated and was not smoothly carried on because the petitioner was discharging his duties at two different places namely, in the Branch Post Office and was also in the School for which the interest of the students in the School was not only jeopardised but the work in the Post Office suffered to a great extent. In the circumstances, the Respondents maintained that the petition should be dismissed.

4. We have heard Mr. Ramdas, learned counsel for the petitioner and Learned Standing Counsel at length. We are satisfied that continuance of the petitioner in the Post Office would be detrimental to the interest of the students of the School and so also the members of the public would be equally inconvenienced. Mr. Ramdas on the basis of a report given by the Secretary, Jyotipur M.E. School vehemently urged that the working hours of the Branch Post Office should be revised as suggested by the Secretary in Annexure-5. This contention of Mr. Ramdas does not carry weight with us because for the material benefit of a single individual the working hours of a Government organisation cannot be made to change. On perusal of the relevant documents we are convinced that the working hours of the School clashes with the working hours of the Post Office and it was rightly told to the petitioner to vacate one of the institutions. The petitioner having paid a deaf ear to this request of the authorities, he was rightly put off from the duty and he was rightly made to hand over charge of the Office of the Branch Post Master.



5. In the result, we find no merit in this application which stands dismissed but without cost.



B.R.PATEL, VICE CHAIRMAN,

I agree.

*[Signature]*  
8/9/86

Member (Judicial )

*[Signature]*  
8.9.86

Vice Chairman

Central Administrative Tribunal  
CUTTACK BENCH :CUTTACK.  
September 8, 1986/S.Sarangi.