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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

Original Application No. 252 of 1987.

Date of decision: September 6, 1988.

Sri Biranchi Narayan Sahoo, aged about 24 years,
son of Arjuna Sahoo, At & P.O. Badasahar, Via-Bhapur,
Dist- Puri, Ex-Branch Postmaster, Badasahar P.O.,
Dist- Puri. Applicant.

Versus

1. Union of India, represented by the Secretary, Department of Posts, Dak Bhavan, New Delhi.
2. Postmaster General, Orissa Circle, At & P.O.-Bhubaneswar, Dist- Puri.
3. Senior Superintendent of Post Offices, Puri Division, Puri, P.O., Town & Dist-Puri.
4. Shri R.K. Sethi, Overseer Mails, at present functioning as Postmaster, Badasahara P.O., Via- Bhapur, Dist- Puri.

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Respondents.

M/s Deepak Misra, Anil Deo
& R.N. Naik, Advocates ... For Applicant.

Mr. Ashok Misra, 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 ? Yes .
2. To be referred to the Reporters or not ? No .
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes .

JUDGMENT

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IV

K.P.ACHARYA, MEMBER (J), In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to quash Annexure-4 dated 27.7.1987 in removing the petitioner from service.

2. Shortly stated, the case of the petitioner is that he was appointed as Branch Postmaster of Badasahara Post Office situated within the district of Puri. The petitioner was appointed to the said post and took charge of the post in question on 29.12.1984. Vide Annexure-2 dated 22.12.1986, the petitioner was asked to submit a solvency certificate which was mis-construed by him and he sent the sale deed contained in Annexure-3 indicating that his solvency in respect of the immovable property was to the tune of Rs.5,000.00. The authorities were not satisfied over this and insisted on submission of a solvency certificate and this order could not be complied by the petitioner till 27.7.1987- the date on which the petitioner was removed from service, vide Annexure-4. The petitioner handed over the charge of the post on 9.8.1987 and has come up before this Bench with the aforesaid prayer.

3. In their counter, the Opposite Parties maintained that the Opposite Parties have no other option but to dispense with the service of the petitioner for non-compliance of the order of the competent authority and it was incumbent upon the petitioner to furnish a solvency certificate. Hence in a nutshell, it is contended by the Opposite Parties that the case being devoid of merit is liable to be dismissed.

4. We have heard Mr. Naik, learned counsel for the

petitioner and Mr. Ashok Misra, learned Additional Standing Counsel for the Central Government at some length. Mr. Naik has filed the xerox copy of the solvancy certificate granted by the competent Revenue authority. We are told that as yet the post in question has not been filled up because we had passed an order of stay. In view of the peculiar facts and circumstances of the case, we would direct that the petitioner should appear before the Senior Superintendent of Post Offices, Puri Division, Puri and file the original of the solvancy certificate (xerox copy of which has been filed in court today) within fifteen days from today and after verification of the certificate in question which should be completed within two months from the appearance of the petitioner and filing of the certificate and within one month therefrom the petitioner should be reinstated into service if the certificate is accepted .

5. Thus the application is accordingly disposed of leaving the parties to bear their own costs .

Leave apply
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6.9.88
Member (Judicial)

B.R. PATEL, VICE CHAIRMAN,

I agree.

6.9.88
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Vice Chairman.

Central Administrative Tribunal,
Cuttack Bench.
September 6, 1988/Roy, Sr.P.A.