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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

Original Application No. 280 of 1987.

Date of decision : May 24, 1989.

Sri Padman Sabar, son of Meketan Sabar,
At/P.O. Gudari, District-Koraput, Pin-765026.

... Applicant.

Versus

1. Union of India, represented by the Postmaster General, Orissa Circle, Bhubaneswar-751001, Dist. Puri.
2. Director of Postal Services, Sambalpur Region, Sambalpur.
3. Senior Superintendent of Post Offices, Koraput Division, Jeypore, Dist-Koraput.
4. Sub-Postmaster,
At/P.O. Gudari, Dist. Koraput.

... Respondents.

For the applicant ... M/s. P.V. Ramdas,
B.K. Panda, Advocates.

For the respondents ... Mr. A.B. Mishra,
Senior Standing Counsel (Central)

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

K.P.ACHARYA, MEMBER (J) In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays to declare the order contained in Annexure-1 as illegal and it is further prayed that the applicant should be reinstated to service, or in the alternative direction be issued to the respondents for providing the applicant an alternate appointment in the area near about Gudari.

2. Shortly stated, the case of the applicant is that he was an Extra-Departmental Delivery Agent attached to Gudari Post Office within Gunupur Sub-Division (District-Koraput) and he was appointed as such on 29.7.1984. In the said Post Office there were two posts of Extra-Departmental Delivery Agents out of which one post was filled up on the appointment of the applicant vice Shri J.M.Mohanty having retired on superannuation, in the year 1982. While the applicant was continuing as such on 12.3.1986 the post held by the applicant was abolished and the services of the applicant were dispensed with. Hence, being aggrieved by the aforesaid action taken by the competent authority, the applicant has filed this application with the aforesaid prayer.

3. In their counter, the respondents maintained that no illegality has been committed by the concerned authority because the Government having abolished the post, the juniormost had to vacate and accordingly the applicant was rightly asked to vacate the post which he was holding. No illegality having been committed by the competent authority, the case is devoid of merit and is liable to be

dismissed.

4. We have heard Mr.P.V.Ramdas, learned counsel for the applicant and Mr.A.B.Mishra, learned Senior Standing Counsel (Central) at some length. We are in complete agreement with the submissions made by learned Senior Standing Counsel (Central) that the competent authority had no other option but to direct the applicant to vacate the post of Extra-Departmental Delivery Agent, Gudari Post Office as the post in question stood abolished by the Government (as the Government has a right to abolish such post which stood abolished). In such circumstances, we find no fault with the Postal Department. There was every justification on the part of the competent authority to have dispensed with the services of the applicant as the post itself stood abolished and he was junior to the other incumbent who is still continuing in the other post. However, in these hard days, a compassionate view should be taken by the departmental authorities over the applicant especially in view of the fact that the applicant has served the Department since July, 1984 without any blemishes. We would therefore direct that the applicant be enlisted in the seniority list and whenever any vacancy occurs in future near about Gudari or in any other Post Offices the applicant's case should be considered for the appointment to the post of Extra-Departmental Delivery Agent of any type. We shall be very happy if it becomes possible on the part of the competent authority to give an appointment to the applicant as soon as possible.

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

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B. R. Patel
24.5.89.
.....
Member (Judicial)

B. R. PATEL, VICE-CHAIRMAN,

I agree.

.....
Anand
24.5.89.
.....
Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
May 24, 1989/Sarangi.

