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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

Original Application No.291 of 1987.

Date of decision : February 24,1989.

Binode Behari Ray, aged about 35 years,
son of late Chaturbhuj Ray, At, P.O. Saudia,
Via-Charingala, District-Cuttack.

... Applicant.

Versus

1. Union of India, represented by the
Secretary, Indian Posts, Dak Bhavan,
New Delhi-110001.
2. Postmaster General, Orissa Circle,
At, P.O. Bhubaneswar, Dist. Puri.
3. Additional Postmaster General,
Orissa Circle, Bhubaneswar,
District-Puri.
4. Superintendent of Post Offices,
Cuttack North Division, Town, P.O.
and District-Cuttack.

... Respondents.

For the applicant ...

M/s. Devanand Misra,
Deepak Misra,
Anil Deo, Advocates.

For the respondents ...

Mr. A.B. Mishra,
Sr. 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 ? (ND)
 3. Whether Their Lordships wish to see the fair copy
of the judgment ? Yes.
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J U D G M E N T

K.P.ACHARYA, MEMBER (J) In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays to command the respondents to reinstate the applicant into service.

2. Shortly stated, the case of the applicant is that he was appointed as Extra-departmental Delivery Agent of Saudia Branch Post Office (~~wihin~~ Dharmasala) within the district of Cuttack vide Annexure-2 dated 29.8.1986- the date on which the applicant took charge of the post. The applicant was orally informed to vacate the office and hence he was relieved on 7.10.1986. Being aggrieved by this action on the part of the competent authority the applicant has come up with the present application with the aforesaid prayer.

3. In their counter, the respondents maintained that true it is that the applicant was directed to discharge the duties of Extra-Departmental Delivery Agent but it was purely on provisional basis. The previous incumbent having died, his son was appointed on compassionate ground to the said post and eventually the applicant was asked to vacate the office. The action taken by the competent authority is purely on humanitarian ground and thus, this case being devoid of merit is liable to be dismissed.

4. We have heard Mr. Deepak Misra, learned counsel for the applicant and Mr. A.B. Mishra, learned Senior Standing Counsel (Central) at some length. We do appreciate the act of compassion shown to the son of the deceased incumbent on humanitarian ground by giving him an appointment. But all the same we would

say that the present applicant has served though for a short period, nearly two months yet he would now go with a begging bowl for sustenance of his livelihood. He was also selected for the post after names were sponsored by the Employment Exchange. Keeping all these facts in view we would say that the departmental authorities may also take ^a compassionate view over the applicant and if possible, the applicant may be adjusted against a post of Extra-Departmental Delivery Agent or in similar category of posts in any other Post Offices. The additional factor which weighed with us is that the applicant is said to have worked as Extra-Departmental Branch Postmaster for about two years in the said post Office and there has been no adverse remarks against him.

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

By order of
24.2.89.
.....
Member (Judicial)

B.R.PATEL, VICE-CHAIRMAN, *I agree.*



By order of
24.2.89
.....
Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
February 24, 1989/Saranggi.