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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

Original Application No.296 of 1987

Date of decision :February 23, 1989

1. Nalla Bhanu Murty, aged about 39 years
S/o Nalla Lakhana, At/P.O.Konabai,
Via-Bisam Cuttack, Dist.Koraput.APPLICANT

-V e r s u s -

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

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

For the Respondents Mr.A.B.Misra, Sr.Standing
Counsel(Central)

C O R A M

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

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

1. Whether reporters of local papers may be allowed
to see the Judgement ? Yes
2. To be referred to the Reporters or not ? No
3. Whether Their Lordships wish to see the fair
copy of the Judgement ? Yes
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: - J U D G M E N T : -

K.P.ACHARYA, MEMBER (JUDICIAL)

In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays to set aside the order contained in Annexure-7 and allow the applicant to continue in his service as Extra Departmental Delivery Agent, Kanabai with consequential service benefits.

2. Shortly stated, the case of the applicant is that he was appointed as Extra Departmental Delivery Agent with effect from 19th January, 1982. On 22nd March, 1984 the Superintendent of Post Offices directed the applicant to perform the duties of Extra Departmental Branch Post Master of Kanabai Post Office within the district of Koraput in addition to his own duties as Extra Departmental Delivery Agent of the same post office. In course of time, on 4th July, 1985 the Senior Superintendent of Post Offices issued orders appointing the applicant as Extra Departmental Branch Post Master temporarily in the said post office with effect from 22nd March, 1984. Such orders of temporary appointment were issued at different spells and by virtue of such orders the applicant continued as Extra Departmental Branch Post Master of the said post office till 10th September, 1986 - the date on which the regular appointee to the said post as Extra Departmental Branch Post Master assumed charge. Consequently, the applicant had to come back to his original post of Extra Departmental Delivery Agent. Most unfortunately, the post of Extra Departmental Delivery Agent having been abolished vide Annexure R/3, now the petitioner is jobless. Hence this application with the aforesaid prayer.

3. In their counter, the respondents maintained that on a review it was found that the post of Extra Departmental Delivery Agent in the said post office was no longer required. Hence the competent Authority had no other option but to abolish the post for which the ~~expe~~ applicant's service had to be dispensed with. 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. T. Dalai, learned Addl. Standing Counsel (Central) at some length. Since the post has been abolished we cannot say that the Petitioner should be appointed to that post but the Petitioner has worked as Extra Departmental Delivery Agent of Kanabai from January, 1982 till mid November 1986. We think following the directions of the Director General Posts and Telegraph, the concerned authority should try to adjust the petitioner in some other post office in the post of Extra Departmental Delivery Agent or in equivalent post wherever vacancies arise or if any vacancy now exists.

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

B.R.PATEL, VICE-CHAIRMAN

9 agree.

Central Administrative Tribunal
Cuttack Bench
February, 23, 1989/Mohapatra.



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MEMBER (JUDICIAL)

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VICE-CHAIRMAN