

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

ORIGINAL APPLICATION No.312 OF 1987

Date of decision .. June 30, 1988.

Sri Biranchi Narayan Das, son of Golak Prasad Das,
At/P.O- Alpua, Via- Indupur, Dist- Cuttack.

... Applicant.

Versus

Union of India through :

1. Superintendent of Post Offices,
Cuttack North Division,
Cuttack- 753001.
2. Sub-Divisional Inspector (Postal),
Kendrapara, P.O. Kendrapara, Dist-Cuttack .. Respondents.

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Mr. B.P. Das, Advocate .. For Applicant.

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

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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)

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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 .

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JUDGMENT

K.P.ACHARYA, MEMBER (J), In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioner prays for a direction to be issued to the respondents to reinstate the petitioner into service and quash Annexure- 6 dated 13th November 1986 cancelling the appointment of the petitioner for the post of Extra- Departmental Branch Post Master of Alapua Post Office.

2. Shortly stated the case of the petitioner is that he had applied for appointment to the post of Extra- Departmental Branch Post Master, Alapua Post Office (Kendrapara Sub-Division) within the district of Cuttack in response to a notification issued on 16.6.1986. Vide Annexure-2 dated 1st September 1986, the petitioner was appointed and was asked to take over charge of the Post Office subject to the condition that the documents required by the concerned authorities should be verified by the Sub-Divisional Inspector (Postal) Kendrapara. In his turn the Sub-Divisional Inspector (Postal) directed the Overseer(Mails) to verify the required documents and after verification on the basis of the report of the Overseer (Mails), the order of appointment contained in Annexure- 2 was cancelled for which the petitioner felt aggrieved and has filed this application for necessary interference.

3. In their counter , the respondents maintained that the ~~Male~~ Overseer gave an adverse report to the extent that the petitioner had no property in his own name and that he was in debt with the Orissa State Financial

Corporation for having purchased a truck being financed by the Orissa State Financial Corporation. Add to this, the Overseer (Mails) also reported that ~~the~~ allegations had been received against the petitioner from the local ex-sarpanch that the petitioner had resigned from the Orissa University of Agriculture because of certain bad behaviour exhibited by the petitioner. In a nut shell , it may be stated that the respondents maintained that continuance of the petitioner in the post of Extra- Departmental Branch Post Master would become ^{not} unhealthy and/congenial to the members of the public and ultimately to the administration and therefore his services were rightly terminated by cancelling the order of appointment and the case being devoid of merit is liable to be dismissed.

4. We have heard Mr. B.P. Das, learned counsel for the petitioner and the learned Sr. Standing Counsel Mr. A.B. Misra at some length. Mr. Das took us through the relevant documents relied upon on behalf of the petitioner and also on behalf of the respondents. We find that the report of the Overseer (Mails) regarding the extent of share of lands which would fall to the share of the petitioner out of the joint family properties mentioned in Annexure-R/4 would be not more than about seven gunths. We think the Overseer (Mails) was perfectly correct . Taking an over all assessment of the case at hand, we are of opinion that it would not be congenial either for the administration or for the public to have a person doing truck business as the Post Master of a particular Post Office. On the whole, it can be said without least hesitation that the cancellation of the order of appointment issued in favour of the petitioner was justified and ^{very}

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therefore , we find no merit in this application which stands dismissed leaving the parties to bear their own costs .

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Member (Judicial)

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

B.R. Patel
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30.6.88
Vice Chairman



Central Administrative Tribunal,
Cuttack Bench.

June 30, 1988/Roy, Sr.P.A.