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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

Original Application No.30 of 1987

Date of decision : January 30, 1987.

Akula Behera Petitioner

M/s C.V.Murty, C.A.Rao &
C.M.K.Murty, Advocates For Petitioner

Versus

Union of India and others Respondents.

Mr. A.B.Misra, Sr. 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 ? Yes .
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 petitioner makes out a grievance for having been dis-charged from service by the competent authorities while the petitioner was serving as a Postmaster in Humuki Post Office within the district of Ganjam.

2. Succinctly stated, the case of the petitioner is that he was appointed to act as the Postmaster of Humuki Post Office and he joined as such on 22nd November, 1968. His predecessor was one Krishna Chandra Panda and the present petitioner was appointed against the vacancy caused by the removal of the said Krushna Chandra Panda in a departmental proceeding. Being aggrieved by the order passed by the competent authority removing Krushna Chandra Panda from service, the said Krushna Chandra Panda approached the Hon'ble High Court of Orissa by filing an application under Article 226 of the Constitution praying therein to quash the order of removal. After passing of the Administrative Tribunals Act, 1985, the said case came to this Bench on transfer to be adjudicated which forms ^{ed} _{in} subject-matter of Transferred Application No.115 of 1986 disposed of by this Bench on 23.10.1986. In the said judgment, we said as follows :-

" Therefore, the order of removal is hereby set -aside. The petitioner should be forth-with re-instated to service ".
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" Since there are some grave allegations made against the petitioner, we leave it to the discretion of the disciplinary authority to proceed with the inquiry according to law, if he so chooses or also keeping in view the long time occupied during which the petitioner had faced the hazards of an inquiry and the judicial process, we think the disciplinary authority would not be committing any illegality if matter is no longer pursued".

3. After receipt of a copy of this judgment, the petitioner in Transferred Application No.115 of 1986 was re-instated to service in Humuki Post Office and consequently the services of the present petitioner namely Akul Behera was terminated. Against this order of termination , the petitioner Akul Behera has moved this Bench in his application under section 19 to quash the order of termination.

4. After hearing learned counsel for both sides , we are of opinion that the Departmental Authority had no other option but to re-instate Krushna Chandra Panda as Postmaster of Humuki Post Office in view of the specific direction given by this Bench in the aforesaid judgment. This fact has also been mentioned by the Superintendent of Post Offices, Aska Division in his Memo No. F/1-2/67-68 dated 14.1.1987 forming subject-matter

of Annexure- 9. So far as this Bench is concerned, it cannot give any relief to the present petitioner because it may run contrary to the view taken in our judgment passed in T.A.No. 115 of 1986.

5. Before we part with this case, we cannot but observe that the present petitioner has served in Humuki Post Office since 22.11.1968 i.e., nearly about 19 years . In such circumstances, we would say that the competent authorities may take a compassionate view over the case of the present petitioner and if possible, the petitioner should be adjusted to any Post Office of similar nature whenever vacancy occurs especially because we are told by Mr. Murty that the petitioner had made an application for appointment to the post of a Postmaster in Barida Post Office which is said to be a neighbouring village of Humuki. The present petitioner did not join as Postmaster , Barida because he was already serving in Humuki Post Office. Keeping in view all these circumstances, this is a fit case in which utmost compassionate view should be taken ~~against~~^{by} the competent authority and we hope they would make all efforts to adjust the petitioner if possible. Learned Sr. Standing Counsel also very fairly submitted before us that he would also put in a word to the Departmental Authorities in favour of the petitioner for taking a compassionate view over him.

6.

With the aforesaid observations , we find no

merit in this application which stands dismissed
leaving the parties to bear their own costs .

Keasays
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Member (Judicial)
30.1.1987

B.R.PATEL, VICE-CHAIRMAN,

I agree

Banerjee
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Vice Chairman.
30.1.1987

Central Administrative Tribunal,
Cuttack Bench.
January 30, 1987 / Roy.