

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

(4)

ORIGINAL APPLICATION No. 359 OF 1987

Date of decision ... December 8, 1987.

Ugrasen Mohanto, son of late Mania Mohanto,
at present working as Extra- Departmental
Branch Postmaster, At/P.O- Goudadiha,
District- Mayurbhanj.

.... Applicant.

Versus

1. Union of India,
represented by its Secretary ,
Indian Posts, Dak Bhavan,
New Delhi- 110 001.
2. Postmaster General, Orissa Circle,
At, P.O. Bhubaneswar, Dist- Puri.
3. Superintendent of Post Offices,
Mayurbhanj Division, At, P.O. Baripada,
District- Mayurbhanj.

.... Respondents.

M/s Deepak Misra, R.N.Naik &
R.N.Hota, Advocates. For Applicant.

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 ? *AD*
3. Whether Their Lordship 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's main grievance is against the Postal Department for having dispossessed him from the service rendered as Extra-Departmental Branch Postmaster of Goudadiha Branch Post Office within the district of Mayurbhanj.

2. Shortly stated, the case of the applicant is that his predecessor Birendra Chandra Behera was acting as the Extra-Departmental Branch Postmaster of Goudadiha Branch Post Office and since he was put off from duty by the appropriate authority, the applicant was appointed to the same post. The said Birendra came up before this Bench with a prayer for quashing the punishment inflicted on him i.e., termination of service. This formed subject-matter of O.A. No. 49/87. After hearing the case on merits vide our judgment dated 31.8.1987 we quashed the order of punishment and directed reinstatement of Birendra Chandra Behera and in consequence thereof the appropriate authority reinstated Birendra and directed the present applicant to handover charge to the said Birendra. Being aggrieved by this order, the applicant has come up before this Bench for redressing his grievance as stated above.

3. We have heard Mr. Deepak Misra, learned counsel for the applicant and Mr. A.B. Misra, learned Sr. Standing Counsel for the Central Government at some length. In view of our judgment passed in O.A. No. 49 of 1987, the

appropriate authority has no other option but to reinstate Birendra and consequently the applicant had to vacate the office which he was holding. In the circumstances, we find no merit in the prayer which stands dismissed leaving the parties to bear their own cost.

4. Before we part with the case, Mr. Misra, learned counsel for the applicant submitted before us that the appropriate authority should also consider the case of the applicant for being adjusted as Extra Departmental Branch Postmaster in some other Post Office especially in view of the fact that the applicant has rendered unblemished service to the Postal Department for about two years eleven months. We hope the departmental authorities would take a compassionate view in the matter and, if possible, the applicant should be adjusted in some other post.

Verma *8/12/87*
.....
Member (Judicial)

B.R. PATEL, VICE CHAIRMAN,

9 agree.

Verma *8.12.87*
.....
Vice Chairman.

Central Administrative Tribunal
Cuttack Bench.
December 8, 1987/Roy SPA.

