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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

Date of decision - - - - - . December 24, 1987

ORIGINAL APPLICATION No. 388 OF 1987.

Sri Nityananda Nayak, aged about 44 years,
son of late Arjuni Nayak, E.D.D.A., Barabati B.O.
At/P.O- Barabati. Via- Dharmasala, Dist- Cuttack.

.... Applicant.

Versus

1. Union of India,
represented by the Post Master General,
Orissa Circle, Bhubaneswar- 751 001.
2. Superintendent of Post Offices,
Cuttack North Division, Cuttack- 753 001.
3. Divisional Inspector (Postal),
At/P.O- Dharmasala, Dist- Cuttack.

.... Respondents.

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

Mr. Tahaladi Delai, Addl. 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 are
permitted 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 .

JUDGMENT

K.P. ACHARYA, MEMBER (J), In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays for being adjusted as Branch Post Master in a nearby town or village as and when a vacancy arises thereunder.

2. Shortly stated, the case of the applicant is that one Sri Utchabananda Nayak was discharging the duties and functions of Extra Departmental Branch Postmaster, Mirzapur within the district of Cuttack and on certain allegations Sri Utchabananda Nayak was put off from duty and ultimately faced a criminal trial. In the said trial Utchabananda even though acquitted was not reinstated into service. Hence Utchabananda approached this Bench for a direction to the appropriate authority to reinstate him forthwith. This formed subject-matter of Transferred Application No. 309 of 1986. While disposing of the said Transferred Application on 24th June 1987, we directed that Utchabananda Nayak should be forthwith reinstated and in consequence thereof Annexure-2 has been issued to the present petitioner asking him to vacate the office of the E.D.B.P.M., Mirzapur because ^{of} the judgment passed by this Bench ^{to} ~~reinstating~~ Utchabananda Nayak. Being aggrieved by this order, the applicant has come up with the present application.

3. We have heard Mr. P.V. Ramdas, learned counsel for the applicant and Mr. Tahali Dalai, learned Addl. Standing Counsel (Central) for the respondents at

some length.. we are told that the applicant has now joined as E.D.D.A., Barbati Branch Post Office as a substitute for a particular employee who has been since ~~long~~ ^{long} put off _{under} proceeding. Prayer of the applicant is limited and it is prayed that the respondents be commanded to give an appointment to the applicant as Branch Post Master in any Post Office near about Mirzapur or within Jajpur Sub-Division or at the worst within Cuttack district. These are matters lying completely within the discretion of the Post Master General but it was told to us that the applicant has served the Department with sincerity, loyalty and devotion to duty for the last sixteen years and he has no blemish against his service career. If all these facts are true and correct, we have the matter to the discretion of the Post Master General, Orissa Circle to take a compassionate view in the matter and if possible give appointment to the applicant when vacancy occurs.

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

leg. dec. 24. 12. 87.
..... 24. 12. 87.
Member (Judicial)

B.R. PATEL, VICE CHAIRMAN, *9 agree.*

Ram Mohan
..... 24. 12. 87.
Vice Chairman.

Central Administrative Tribunal,
Cuttack Bench.
December 24, 1987/Roy SPA.