

11

4

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

ORIGINAL APPLICATION No.21 OF 1988

Date of decision : January 21, 1988.

Upendra Sahu, son of Niranjan Sahu,
of village Landajuali, Dist-Ganjam.

... Applicant.

Versus

1. Union of India,
represented by its Secretary,
in the Department of Posts,
Dak Bhavan, New Delhi.

2. Postmaster General, Orissa Circle,
At, P.O.- Bhubaneswar, Dist- Puri.

3. Superintendent of Post Offices,
Aska Division, At, P.O. Aska,
District- Ganjam. Respondents.

M/s Devananda Misra,
Deepak Misra, R.N.Naik
and N.N.Hota, Anil Deo,
Advocates

.... For Appellant.

Mr. Tahali Dalai, 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 from 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 challenges the order passed by the competent authority dislodging the applicant from the post of E.D.D.A.-cum-E.D.M.C. of Landa Juali Branch Post Office in the district of Ganjam.

2. Shortly stated the case of the applicant is that on the termination of the services of one Prafulla Chandra Das, the applicant was appointed as E.D.D.A.-cum-E.D.M.C. of Landa Juali Branch Post Office. The said Prafulla Chandra Das came up to the Hon'ble High Court of Orissa in an application under Article 226 of the Constitution praying therein to quash the order passed by the competent authority terminating his service. This case ultimately came before this Bench for disposal and it formed T.A. No. 358 of 1986. The said application was allowed and the competent authority was directed to reinstate Prafulla Chandra Das. In consequence thereof, Prafulla Chandra Das having been reinstated, the applicant was asked to vacate the said office and handover ~~the~~ ^a charge to Prafulla Chandra Das. Being aggrieved by this order, the applicant has come up before this Bench with a prayer to quash the order of the competent authority dislodging him from the said post.

3. We have heard Mr. Deepak Misra, learned counsel for the applicant and Mr. Tahali Dalai, learned Addl. Standing Counsel for the Central Government at some length.

The competent authority had no other option but to ask the applicant to vacate the post in view of the judgment passed by this Bench. On that account, we cannot find any fault with the competent authority. Mr. Deepak Misra, learned counsel for the applicant submitted before us that the competent authority while carrying out the direction of this Bench contained in the said judgment had an obligation to provide an alternative employment for the applicant and such alternative employment not having been made available to the applicant, a representation was made to the Superintendent of Post Offices, Aska Division who has passed necessary orders contained in Annexure-2 saying that Service Rules do not contemplate alternative appointment to the displaced E.D. Officials and there is no such indication in the judgment of the Tribunal to provide any alternative appointment to the applicant. Hence, the representation was rejected and on this account, it is submitted by Mr. Misra that the Superintendent of Post Offices has gone completely wrong in making such an observation because even though there was no specific direction from the Bench, yet the Superintendent of Post Offices could have used his discretion in providing an alternative employment for the applicant. We do not propose to go into details of the submission made at the Bar but we are told that the present applicant had served the department with sincerity and honesty for about ten years. Very unfortunately for the present applicant, this Bench took a view in favour of Prafulla Chandra Das and hence the present applicant was bound to be ousted from the post he was holding. In view of the services rendered by the applicant to the Department, we

V

7

feel that some alternative employment should be given to the applicant, if possible, and we also hope that the Superintendent of Post Offices, Aska Division would devote his personal attention to this matter.

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

Laxmays.

..... 21.1.88
Member (Judicial)

B.R. PATEL, VICE CHAIRMAN,

I agree.

Anubhai 21.1.88
.....
Vice Chairman

Central Administrative Tribunal,
Cuttack Bench.
January 21, 1988/Roy, SPA.