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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

Original Application No. 232 of 1988

Date of decision: February 7, 1989

Dhaneswar Sahoo,  
S/o Lachhman Sahoo  
At/P.O. Pokhariapara,  
Dist.Cuttack. .... .... Applicant

-Versus-

1. Post Master General, Orissa  
At/P.O. Bhubaneswar,  
Dist. Puri
2. Superintendent of Post Office,  
South Division, Cuttack. .... Respondents

For the applicant. .... M/s. G.N. Misra, Advocate

For the respondents ... Mr. A.B. Misra, Sr. Standing Counsel  
(Central)  
Mr. Tahali Dalai,  
Additional Standing Counsel  
(Central)

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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 judgement ? Yes
2. To be referred to the Reporters or not ?
3. Whether Their Lordships wish to see the fair copy of the judgement ? Yes

JUDGMENT

K.P.ACHARYA, MEMBER(J)

In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays to direct the respondents to give the applicant a job equivalent to the post of Extra Departmental Branch Post Master of Pokhariapara.

2. Shortly stated, the case of the applicant is that the predecessor of the applicant Sri Nityanand Nayak who was discharging his duties as Extra Departmental Branch Post-Master of Pokharipara Branch Post Office, <sup>after</sup> having been regularly appointed in the said post office, was proceeded against in a departmental enquiry on an allegation that he misappropriated Govt. money left under his control. The disciplinary authority ordered removal of Sri Nityanand Nayak from service and hence said Sri Nayak had come up before this Bench with an application under section 19 of the Administrative Tribunals Act, 1985 praying therein to quash the order of removal which formed subject matter of O.A.87/87. This bench by its judgement dated 29th April, 1988 quashed the order of punishment and directed to reinstate the said Nityanand Nayak. Consequently the applicant has been asked to vacate the post of Extra Departmental Branch Post Master at Pokharipara which he has been holding and has come with this application with the aforesaid prayer.

3. In their counter the respondents maintained that the applicant is not entitled to the relief sought for by him and the application is, therefore, liable to be dismissed.

4. We have heard Mr.G.N.Misra, learned Counsel for the applicant and Mr.Tahali Dalai, learned Addl. Standing Counsel(Central) for the respondents at some length.

5. It was stated by Mr.G.N.Misra, learned Counsel for the applicant that the applicant has served for 4½ years without any blemishes against him in regard to discharge of his duties. Further, it was stated by Mr.Misra that the applicant has been asked to vacate the post of Extra Departmental Branch Post Master at Pokharipara because of the judgement of this Bench passed in O.A.87/87. Mr.Misra stated that the post of Extra Departmental Branch Post Master Nirmbla under Tirana Sub-Post office is still lying vacant and the competent authority may issue order of appointment to the applicant for the said post. Since this was submitted by learned Counsel for the applicant for the first time, it has not been possible on the part of Mr.Tahali Dalai either to deny <sup>it</sup> or affirm to adjust the applicant in the said post which remains vacant. We would therefore direct the opposite party Nos.1 & 2 that they may take into consideration the aforesaid prayer of the applicant and try adjust the applicant in the said post office. If it cannot be possible to adjust the applicant in the Nilambala Post office, we trust the authorities would sympathetically consider the case of the applicant for appointment as Extra Departmental Branch Post Master in any other post office.

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

*Keas on*  
..... 7.2.89.

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MEMBER (JUDICIAL)

B.R.PATEL, VICE-CHAIRMAN

9 agree.

*Ramchand*  
..... 7.2.89.

.....  
VICE-CHAIRMAN

Central Administrative Tribunal  
Cuttack Bench

February, 7, 1989, Mohapatra

