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**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH :CUTTACK.**

Original Application No. 234 of 1988.

Date of decision : July 29, 1988.

Sri Banamali Biswal, s/o late  
Chandramani Biswal, aged 58,  
Vill/P.O. Alara, P.S. Narasinghpur,  
Dist. Cuttack, at present Dy Postmaster,  
Cuttack G.P.O.P.S.Cantonment Road,  
Cuttack.

Applicant.

Versus

1. Union of India, represented through  
its Secretary Posts, Ministry of  
Communication, Dak Bhawan, New Delhi.
2. Sr. Superintendent of Post Offices,  
Cuttack City Division, Cuttack.
3. Sr. Postmaster, Cuttack G.P.O. ... Respondents.

For the applicant. ... M/s. S. Kr. Mohanty,  
S. P. Mohanty, Advocates.

For the respondents ... Mr. A. B. Mishra, Senior 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 judgment ? Yes.
2. To be referred to the Reporters or not ?
3. Whether Their Lordships wish to see the fair copy of the Judgment ? Yes.

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JUDGMENT

K.P. ACHARYA, MEMBER (J), In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to quash Annexures-1,2 and 4.

2. Shortly stated, the case of the petitioner is that he was originally appointed as a Postal Assistant and in due course of time the petitioner was promoted to the grade of H.S.G. II and has been working in Cuttack G.P.O. for quite a long period. The post of Deputy Post Master Cuttack G.P.O. fell vacant and the petitioner while discharging his duties as Assistant Post Master, Cuttack G.P.O. was asked to officiate in the post of Deputy Post Master in Cuttack G.P.O. as an interim arrangement and was functioning as such since 11.7.1988 till today. Vide Annexure-1, the Senior Superintendent of Post Offices, Cuttack City Division addressing a letter to the Senior Post Master, Cuttack G.P.O. pointed out some irregularity in allowing the petitioner to officiate in the post of Deputy Post Master as one of his senior should have been appointed to such a post and the Senior Superintendent of Post Offices requested the Senior Post Master to regularise the matter. In compliance with this direction given by the Senior Superintendent of Post Offices in Annexure-1, the Senior Post Master has directed the petitioner, vide Annexure-4 to handover charge of his present office of Deputy Post Master to one Mr. B.S.Jagdev (senior to the present petitioner) and to revert back to the post of Asst. Post Master. Being aggrieved by this order, the petitioner has come up before this Bench for interference. We did not wait for filing of any counter because the facts are very simple and practically

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undisputed.

3. we have heard Mr. S.K.Mohanty(1), learned counsel for the petitioner and Mr. A.B.Misra, learned Sr. Standing Counsel for the Central Government at some length. It was told to us by the petitioner's counsel that the petitioner is to retire on superannuation on 31.7.1988. In case this is true and correct, we would direct that the petitioner be allowed to continue in the post of Deputy Post Master till the afternoon of 31st instant and the impugned order be given effect to in the forenoon of 1.8.1988.

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

*Agree*  
..... 29.7.88  
Member (Judicial)

B.R.PATEL, VICE CHAIRMAN,

*g agree.*

*Ramnath*  
..... 29.7.88  
Vice Chairman.



Central Administrative Tribunal,  
Cuttack Bench  
July 29, 1988/Roy, Sr.P.A.