

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

Original Application No.239 of 1988.

Date of decision : August 16, 1988.

Pradipta Kumar Swain,  
aged about 24 years, son of  
Laxmidhar Swain, at present working  
as E.D.D.A. - cum-E.D.M.C., Alavar  
Post Office, At/P.O. Alavar, Via-Balikuda,  
District- Cuttack.                           ...

**Applicant.**

## Versus

1. Union of India, represented by the Secretary Posts, Dak Bhavan, New Delhi.
2. Postmaster General, Orissa Circle, At, P.O.Bhubaneswar, District-Puri.
3. Superintendent of Post Offices, Cuttack Division, At/P.O./Dist-Cuttack.
4. Assistant Superintendent of Post Offices, In-Charge Jagatsinghpur Sub-Division, Jagatsinghpur-754 103, Dist-Cuttack.

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### Respondents.

For the applicant

M/s. Deepak Misra,  
R.N. Naik, &  
A. Deo, Advocates.

For the respondents ...

Mr. A. B. Mishra, Senior Standing  
Counsel (Central)

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 ? 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 a direction to the respondents to adjust/ appoint the applicant as Extra-departmental Delivery Agent cum Extradepartmental Mail Carrier, in Palasola or Madhupur Branch Office or any other nearby post Office.

2. Shortly stated, the case of the applicant is that one Babaji Charan Mallik who was serving as Extradepartmental Delivery Agent in Alavar Post Office within Jagatsinghpur Sub-Division was removed from service on the allegation that he had committed misappropriation of Government cash. Against this order of removal Babaji Charan Mallik had come up before this Bench and had prayed to quash the order of removal. It formed subject matter of O.A. 215 of 1987 which was disposed of by this Bench on 20.7.1988 setting aside the order of removal passed by the appropriate authority. In consequence thereof we directed ~~re~~instatement of the said Babaji Charan Mallik. Due to reinstatement of the said Babaji Charan Mallik the applicant Pradipta Kumar Swain is bound to vacate the Office of the E.D.D.A cum E.D.M.C. of Alavar Post Office. The applicant Pradipta Kumar Swain has come up before this Bench with a prayer mentioned above.

3. We have heard Mr.R.N.Naik, learned counsel for the applicant and learned Senior Standing Counsel (Central) at some length. We would say that the Postmaster General and the Superintendent of Post Offices, Cuttack should devote their

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attention to this matter and try to adjust the applicant or appoint him to the post of Extradepartmental Delivery Agent said to be lying vacant in Palasola, Madhupur Branch Office or in any other Post Office as we were told that the applicant has served in Alavar Post Office for last four years without any blemish against him,

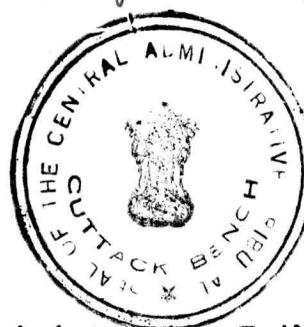
4. Thus, this application is accordingly disposed of leaving the parties to bear their own costs.

*Agree*  
..... 16.8.88  
Member (Judicial)

B.R.PATEL, VICE-CHAIRMAN,

*I agree.*

*Kanhu*  
16.8.88  
.....  
Vice-Chairman



Central Administrative Tribunal,  
Cuttack Bench, Cuttack.  
August 16, 1988/S. Sarangi.