

(7)

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH : CUTTACK.

Original Application No. 256 of 1988.

Date of decision: November 28, 1989.

Sri Gokulananda Majhi, son of Gobind Chandra  
Majhi, Formerly E.D.M.C., Kalyaninagar S.O.  
Kalyaninagar, Cuttack-753013. ... Applicant.

Versus

1. Union of India, represented through  
the Secretary, Ministry of Communications,  
Department of Posts, Govt. of India,  
New Delhi-110001.
2. Postmaster General, Orissa Circle,  
Bhubaneswar.
3. Senior Superintendent of Post Offices,  
Cuttack City Division, Cuttack-753001.
4. Sub-Divisional Inspector (Postal),  
Cuttack North Sub-Division,  
Cuttack-753001. ... Respondents.

For the applicant ... Mr. D. P. Dhalsamant, Advocate.

For the respondents ... Mr. Tahali Dalai,  
Addl. Standing Counsel (Central)

C O R A M:

THE HON'BLE MR. B. R. PATEL, VICE-CHAIRMAN

A N D

THE HON'BLE MR. N. SENGUPTA, 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 ? No.
  3. Whether Their Lordships wish to see the fair copy of the  
judgment ? Yes.
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J U D G M E N T

N.SENGUPTA, MEMBER (J) The applicant was working as an Extra-Departmental Mail Carrier in the Sub-Post Office at Kalyaninagar, Cuttack. He was appointed as such Extra-Departmental Mail Carrier by an order dated 26.1.1986 and he functioned with effect from 1.2.1986. He had been working till 19.2.1988 when his services were terminated by Respondent No.4 (vide Annexure-1). The grievance of the applicant is that in order to accommodate one Shri Bhagirathi Das, whose post of Nightwatchman was abolished, he was driven out of service though his performance was otherwise satisfactory. Making these allegations the applicant has prayed for quashing of the order of termination at Annexure-1, a direction for his reinstatement in service and for making payment of emoluments with the allowance for the period he has been forcibly made out of employment with effect from 20.2.1988.

2. The case of the respondents is that Bhagirathi Das was a regular employee of Madhupatna Sub Post Office but he was Nightwatchman and his post was abolished as it was decided to abolish all non-postal posts. According to the policy decision such thrown out employees were to be posted against vacancies existing elsewhere or in the Post Office where they were working. As a vacancy was available at Kalyaninagar Sub Post Office, Bhagirathi Das was appointed as Extra-Departmental Mail Carrier of that Post Office. Their case further is that the applicant was only provisionally appointed with the express condition that the tenure of his service would come to an end on regular appointment being made and as Bhagirathi Das was regularly appointed the applicant can have no grievance.

*Handwritten:*  
N. Sengupta  
26/11

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3. We have heard Mr.D.P.Dhalsamant, learned couhnel for the applicant and Mr.Tahali, learned Addl. Standing Counsel (Central). On a perusal of the annexures to the application and to the counter, the position that emerges is that the applicant was appointed as Extra-Departmental Mail Carrier on a provisional basis and in the appointment order it was expressly mentioned that his such provisional appointment was to come to an end on regular appointment being made. There is no dispute that Bhagirathi Das has been regularly appointed as Extra-Departmental Mail Carrier. Mr.Dhalsamant has urged that as in the appointment order no specific date has been mentioned it cannot be said that the applicant was made aware that his tenure of Office was to come to an end at any specific date, therefore, his prayer for quashing Annexure-1 should be allowed. We are not impressed by this argument because on a look to the form prescrined, it would be abundantly clear that the appointment order conforms to the form prescribed. However, as the applicant had worked as Extra-Departmental Mail Carrier for more than two years, and there is apparently nothing against his performance as E.D.M.C. we would direct the respondents to consider his case sympathetically and if possible, provide him some employment in an equivalent post as soon as possible.

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

B.R.PATEL, VICE-CHAIRMAN,

I agree.

Central Admn.Tribunal,  
Cuttack Bench, Cuttack.  
November 28, 1989/Sarangi.



*A. S. Gupta*  
28.11.89.  
.....  
Member (Judicial)

*B. R. Patel*  
28.11.89.  
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Vice-Chairman