

(4) II

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

Original Application No.346 of 1988.

Date of decision : October 28,1988.

Banamali Mallik, son of late
Dambarudhar Mallik, S.P.M., Kanikarajabati,
Cuttack-753008.

Applicant.

Versus

1. Union of India, represented by its
Secretary, Department of Posts,
Dak Bhavan, New Delhi.
2. Postmaster General, Orissa Circle,
At/P.O.Bhubaneswar, District-Puri.
3. Senior Superintendent of Post Offices,
Cuttack City Division, At,P.O. and
District- Cuttack.

... Respondents.

For the applicant ... M/s. Devanand Misra,
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 ? *N*
 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

K.P.ACHARYA, MEMBER (J) In this application under section 19 of the Administrative Tribunals Act, 1985, the order passed by the Senior Superintendent of Post Offices, Cuttack City Division vide Annexure-2 is under challenge.

2. Shortly stated, the case of the applicant is that he was a Postmaster attached to Manglabag Post Office and was in occupation of a quarters near Manglabag Post Office. The applicant was transferred to Kanikarajabati Post Office and therefore, he was required to deliver the vacant possession of the quarters in question to the competent authority. He did not do so. The applicant came up before this Bench by filing another application which formed the subject matter of O.A.240 of 1987 praying therein to quash the order of eviction. The judgment in O.A.240 of 1987 was delivered on 27th January, 1988. In the said judgment we stated as follows :

" We would direct that the Post Master General would devote his attention to the guidelines set forth in Annexure-6 and dispose of the representation said to be pending which was filed by the applicant for allotment of a quarters at Cuttack, preferably within three months from the date of receipt of a copy of this judgment. "

Surprisingly, we have found that instead of this matter being dealt and disposed of by the Post Master General, in compliance with the direction contained in the judgment (quoted above), the Senior Superintendent of Post Offices, Cuttack City Division has disposed of the matter, as submitted by Mr. Deepak Misra, learned counsel for the applicant. We are not in a position to know the correct

state of affairs. In case, the representation which was pending before the Post Master General and about which direction was given for disposal by the Post Master General has no connection with the order passed by the Senior Superintendent of Post Offices contained in Annexure-2, then we would further direct that the Post Master General should dispose of the representation and if already disposed of, necessary intimation should be sent to the Registrar of this Bench. So far as Annexure-2 is concerned, we would direct that no action need be taken over Annexure-2 because opinion expressed by the Post Master General or which would be expressed on the representation by the Post Master General would govern the field and would supersede the orders passed by the Senior Superintendent of Post Offices contained in Annexure-2. We would further direct that if the representation has not yet been disposed of by the Post Master General, then he should dispose it of by 7th November, 1988 under intimation to the Registrar of this Bench. We hope, the applicant would not be evicted from the quarters in question till the disposal of the representation of the applicant by the Post Master General. If the Post Master General has already disposed of the representation, then law will take its own course.

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

[Signature]
 28.10.88
 Member (Judicial)

B.R.PATEL, VICE-CHAIRMAN,

9 agree.

Central Administrative Tribunal,
 Cuttack Bench, Cuttack.
 October 28, 1988/S. Sarangi.

[Signature]
 28.10.88
 Vice-Chairman

