

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH : CUTTACK.

Original Application No.41 of 1988.

Date of decision : March 28, 1989.

Lokman Alli Khan, aged about 35 years,  
son of Kiamat Alli Khan, Extra Departmental  
Mail Carrier (E.D.M.C.), At-Balaramgadi E.D.S.O.,  
Dist-Balasore.

Applicant.

Versus

1. Union of India represented by  
Postmaster General, Orissa,  
At/P.O./P.S./Munsif-Bhubaneswar,  
Dist-Puri (Orissa).
2. The Superintendent of Post Offices,  
Balasore Division, At/P.O./P.S./  
Munsif/District-Balasore (Orissa).
3. The Sub-Divisional Inspector (Postal),  
Balasore (North) Sub-Division, At/P.O./  
P.S./Munsif/District-Balasore (Orissa).
4. Sri Banabihari Giri, Village/P.O.  
Balaramgadi, P.S. Balasore Sadar,  
District-Balasore (Orissa).  
at present E.D.D.A. cum E.D.M.C.  
At Balaramgadi E.D.S.O.,

Respondents

For the applicant ... M/s. B.S. Misra-1, A.K. Nayak-1,  
P.K. Sahu, M.K. Mohanty,  
R. Mohanty-2, B.B. Mohanty,  
S. Pradhan, Advocates.

For the Respondents 1 to 3 .. Mr. A.B. Mishra,  
Sr. Standing Counsel (Central)  
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. 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.

J U D G M E N T

(14)

K.P.ACHARYA, MEMBER (J) In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays to direct Respondents 2 and 3 to clear the dues of the Savings Bank commission of the applicant and to appoint the applicant as an Extra-Departmental Branch Postmaster in the Dublagadi branch Post Office or any other Post Office in the vicinity after declaring ~~that~~ the appointment of Respondent No.4 i.e. Shri Banabihari Giri to be illegal and inoperative.

2. Shortly stated, the case of the applicant is that he had been appointed as Extra-Departmental Branch Postmaster of Dublagadi Branch Office within the district of Balasore on 24.11.1977 and worked as such till 27.12.1986 when he was ordered to vacate the Office due to the fact that one Shri Haripada Das who had been removed from service had been ordered to be reinstated in our judgment passed in Transferred Application No.142 of 1986 disposed of on 31.10.1986. Hence, this application with the aforesaid prayer.

3. In their counter, the respondents maintained that in view of the judgment passed by this Tribunal in T.A.142 of 1986, the concerned authority had no other choice in the matter but to reinstate the said Shri Haripada Das and eventually to direct the applicant to vacate the office. Hence, there being no merit in this case, the same is liable to be dismissed.

4. We have heard Mr. Ranjit Mohanty-2, learned counsel

for the applicant and Mr. Tahali Dalai, learned Additional Standing Counsel (Central) at some length. Mr. Mohanty-2, did not press his prayer for clearing of the dues <sup>towards</sup> ~~as~~ <sup>by</sup> the Savings Bank commission of the applicant as it is told to us that he has already received the same and as such, the same has become infructuous. So far as the prayer of the applicant to declare the appointment of Shri Banabihari Giri as illegal and inoperative we do not find any reason to give such a declaration. Hence, that prayer stands dismissed.

As regards the next prayer of the applicant to adjust him in some other post, we think it is most reasonable and justifiable since the applicant has already worked in Dublagadi Branch Post Office for about 9 years without any blemishes and keeping in view these hard days we deem it appropriate to say that the Postmaster General, Orissa Circle and the Superintendent of Post Offices, Balasore Division should take into account these facts and try to adjust the applicant in Parkhi Branch Post Office under Chandinipur Sub Office, if vacancy exists and if not, the applicant should be adjusted in some other Post Office in the vicinity as Extra-Departmental Delivery Agent.

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

.....  
Member (Judicial)

B.R. PATEL, VICE-CHAIRMAN,

I agree



.....  
Vice-Chairman

Central Administrative Tribunal  
Cuttack Bench, Cuttack.  
March 28, 1989/Saranghi.