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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

Original Application No.423 of 1988.

Date of decision : December 21,1988.

Sri Fakir Mohan Paikray, aged about 35 years,
son of late Narayan Paikray, of village Badapokharia,
P.O.Nilagiripatana, P.S.Jankia, District-Puri,
Orissa at present E.D. Branch Post Master,
Nilagiripatana Branch Post Office, District-
Puri. Orissa.

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Applicant.

Versus

1. Union of India, represented by the Secretary,
Ministry of Communications, Government of
India, Department of Posts, New Delhi-110001.
2. Postmaster General, Orissa Circle,
Bhubaneswar-751001, District.Puri.
3. Senior Superintendent of Post Offices,
Division, Puri-751001, District-Puri.
4. Inspector of Post Offices, Jatni,
District-Puri.
5. Sri Alekh Bandhu Patnaik,
Overseer Mails, Jatni, District-Puri.
6. Sri Jagannath Behera, aged about 65
years, s/o late Bira Behera,
At-Bodonagarapatana, Post-Nilagiripatana,
P.S. Jankia, District-Puri.

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Respondents.

For the applicant ... M/s.Antaryami Rath,
B.N.Rath, Advocates.

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.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.
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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 applicant prays to injunct Respondents 1 to 5 from disturbing the applicant from the present post which he is holding as a Branch Post Master, Nilagiripatana and furthermore, to accommodate Shri Jagannath Behera in any other post which would subsequently fall vacant.

2. The facts giving rise to this petition are as follows :

One Shri Jagannath Behera was appointed as Extra-departmental Branch Postmaster of village Nilagiripatana (Nirakarpur) within the district of Puri. While functioning as such, an allegation was levelled against Shri Jagannath Behera that he had collected certain subscriptions from certain payees under duress and threat for which a disciplinary proceeding was initiated against him resulting in his removal from service. Shri Jagannath Behera filed an application under Article 226 of the Constitution before the Hon'ble High Court of Orissa which formed subject matter of O.J.C.No.1868 of 1984 and later transferred under section 29 of the Administrative Tribunals Act, 1985 which was renumbered as Transferred Application No.370 of 1986. After hearing counsel for both sides, we delivered a judgment on 27th October, 1988 holding that the order of removal of the petitioner, Shri Jagannath Behera from service was illegal and therefore, we had set aside the order of punishment exonerating Shri Jagannath Behera from the

charges and we directed that Shri Jagannath Behera should be reinstated into service within two months from the date of receipt of a copy of the said judgment. By virtue of this order passed by us in Transferred Application No.370 of 1986, Shri Jagannath Behera has been reinstated and consequently, the present applicant, Shri Fakir Mohan Paikray who has been working in the post of Shri Jagannath Behera has been dislodged. Hence, this application with the aforesaid prayer.

3. We have heard Mr. Antaryami Rath, learned counsel for the applicant and Mr. Tahali Dalai, learned Additional Standing Counsel (Central) at some length. Though Mr. Rath prays very hard before us that Shri Jagannath Behera could be adjusted in some other Post Offices yet we are unable to accede to this request in view of the direction given by this Bench in T.A. 370 of 1986. Lastly, it was told to us by Mr. Antaryami Rath that Shri Jagannath Behera would attain the age of 65 years in March, 1989 and he is to retire on superannuation. If this position is true, and correct then in all fitness of things the departmental authorities should appoint Shri Fakir Mohan Paikray in the said post after the retirement of Shri Jagannath Behera or give an appointment to Shri Fakir Mohan Paikray in some other Post Offices nearby wherein vacancy occurs, whichever is earlier. We say so, particularly because Shri Fakir Mohan Paikray has rendered long service to the Department and he having been once found to be suitable to be appointed as the Branch Postmaster of Nilagiripatana, ~~xxx~~ therefore, his case should be favourably

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considered and appointment should be given to him as indicated above.

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

Sarangi
21.12.88
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Member (Judicial)

B.R.PATEL, VICE-CHAIRMAN,

I agree.

B.R. Patel
21.12.88
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Vice-Chairman



Central Administrative Tribunal,
Cuttack Bench, Cuttack.
December 21, 1988/S.Sarangi.