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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 433 of 1988

Date of decision: January 16th, 1989.

Sri Golak Chandra Das, aged about 33 years
S/o. Late Radhashyam Das, At/P.O. Babujang,
P.S. Kisannagar, Dist. Cuttack, Ex-E.D.D.A.
Babujang, Branch Post Office. Applicant

-Versus-

1. Union of India, Department of Posts, Ministry of Communications, represented through the Secretary to Government of India, New Delhi.
2. Postmaster General, Orissa Circle, Bhubaneswar-751001.
3. Superintendent of Post Offices, Cuttack South Division, Cuttack-753001.
4. Sub-Division Inspector (Postal) Central Sub-Division, Cuttack, Dist. Cuttack-753010.

..... Respondents

For the applicant Mr. Pradipta Mohanty
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 Judgement? Yes
2. To be referred to the Reporters or not?
3. Whether Their Lordships wish to see the fair copy of the judgement? Yes.

JUDGMENT

K.P.ACHARYA, MEMBER (J) In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays to quash Annexure-5 and also to grant the consequential service benefits.

2. Shortly, stated, the case of the applicant is that he was working as an Extra Departmental Delivery Agent in the Babujanga Post Office for a considerable period in place of Sri Giridhari Ram who faced a Departmental proceeding. The said Giridhari Ram invoked the jurisdiction of this Tribunal by filing an application under section 19 of the Administrative Tribunals Act, 1985, praying therein to quash the order passed by the Competent Authority against him in the Departmental proceeding and further more to order reinstatement to service. This case formed subject matter of Original Application No. 200/88 which was disposed of on 8th September, 1988. We quashed the punishment imposed on the said Giridhari Ram and we directed his re-instatement within one month from date of receipt of a copy of the judgement. In compliance with the direction of this Bench the Sub-Divisional Inspector (Postal) vide Annexure-5 stated that Original Application No. 200/88 having been allowed the Departmental Proceeding against Sri Giridhari Ram has been quashed. The order putting off Sri Giridhari Ram from duty was withdrawn. The present applicant has come up against the order contained in Annexure-5.

3. We have heard Mr. Pradipta Mohanty, learned Counsel for the applicant and Mr. Tahali Dalai, learned Additional Standing Counsel (Central) and Mr. Deepak Misra appearing for Sri G.C. Das at some length. In consequence of the judgement passed

O.A.200/88 the applicant is bound to vacate the office so as to enable ~~of~~ Sri Giridhari Ram to take charge of the same post. Therefore, we find no reasons to quash Annexure-5 but at the same time we would observe that Post-Master General and Superintendent of Post Offices, Cuttack South Division would take into consideration the case of applicant and try to absorb him in some other post. The applicant has been serving in the Babujanga Post Office for the last 10 to 11 years. There is no adverse report against him. It is needless for us to remind the Post-Master General regarding the direction given by the Director General in ~~the~~ matters of this nature that all efforts should be made to adjust the incumbents of the present nature in some other post. We were told that the representation filed by the applicant contained in Annexure-6 is pending consideration of the Superintendent of Post Offices, Cuttack South Division. From Annexure-6 we find that the applicant has prayed for his absorption in ~~the~~ post of Extra Departmental Branch Post-Master but before us it is prayed that direction should be given to absorb the petitioner either as Extra Departmental Branch Post Master Babujanga Post Office or in the alternative as Extra Departmental Delivery Agent. Since one Sri Ajay Kumar Ray is already working as Extra Departmental Branch Post Master Babujanga Post Office prayer of the present Petitioner to absorb him as Extra Departmental Branch Post Master Babujanga Post Office does not arise because there is no reason to dislodge Sri Ajay Kumar Ray. Present Petitioner may be considered for the post Extra Departmental Delivery Agent whenever it is available.

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4. In view of our directions given above no further order is necessary to be passed on the application of Sri Ajay Kumar Ray for intervention.

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

B.R.PATEL, VICE-CHAIRMAN

I agree.



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16.1.89
Member (Judicial)

Ansah
16.1.89
VICE-CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench, Cuttack
16th January, 1989 / Mohapatra.