

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

Original Application No.44 of 1988.

Date of decision : April 5, 1988.

Arjun Chandra Jena,
son of Dayanidhi Jena, At, P.O.
Nikirai, Via-Kendrapara,
District- Cuttack.

...

Applicant.

Versus

1. Union of India,
represented by the Secretary,
Posts, Dak Bhawan, New Delhi.
2. Superintendent of Post Offices,
Cuttack North Division, At, P.O. &
District- Cuttack.

...

Respondents.

For the applicant

... M/s.Devanand Misra,
Deepak Misra,
A.Deo, S.S.Hota, &
R.N.Hota, 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 ? No
 3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.
- _____

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 challenges the order passed by the Superintendent of Post Offices, Cuttack North Division, Cuttack dated 28.1.1988 contained in Annexure-4.

2. Shortly stated, the case of the applicant is that he was selected provisionally as Extra-departmental Branch Postmaster of Nikirai Post Office within the district of Cuttack. The applicant was selected on 31.10.1987 and took charge in November, 1987. In the letter of appointment contained in Annexure-3 the applicant had been informed that he shall continue provisionally in the said post till 13.6.1988 or till regular appointment is made whichever is shorter (meaning earlier). Thereafter, the applicant took charge on 7.11.1987. After taking over charge and continuing for some time, the applicant vide Annexure - 4 dated 28.1.1988 was informed that the case of one Kumari Pranatinjali Jena daughter of late Ghanashyam Jena, ex- Extradepartmental Branch Postmaster, Nikirai, has applied for appointment as Extradepartmental Branch Postmaster, Nikirai Post Office in relaxation of normal recruitment Rules on compassionate ground and her appointment being under consideration and in case she is appointed provisionally, the appointment of the applicant would be terminated. Hence, the applicant has invoked the jurisdiction of this Bench for appropriate orders.

3. In their counter, the respondents maintained that the case being devoid of merit is liable to be dismissed

because in the order of appointment the applicant was informed

that his services shall be terminated if regular appointment is made earlier to 13.6.1988.

4. We have heard Mr. Deepak Misra, learned counsel for the applicant and learned Senior Standing Counsel (Central) at some length. We do not like to express any opinion on the suitability etc. of Kumari Pranatinjali Jena or any other person who may be appointed to the post. The departmental authorities are at liberty to make such appointment according to Rules as they deem just and proper. But till the regular appointment is made the applicant may continue as Extra-departmental Branch Postmaster, Nikirai Post Office.

5. Thus, this application is accordingly disposed of leaving the parties to bear their own costs. The stay order passed by this Bench on 9.2.1988 stands automatically vacated.

[Signature]
..... 5/4/88
Member (Judicial)

B.R.PATEL, VICE-CHAIRMAN,

g agree.



[Signature]
..... 5.4.88
Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
April 5, 1988/S. Sarangi.

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Sd/ K. P. Acharya
Member (Judicial)

B.R.PATEL, VICE-CHAIRMAN,

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Sd/ B.R. Patel
Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
April 5, 1988/S. Sarangi.