

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK.

Original Application No.95 of 1988

Date of decision: February 27, 1989

1. Khagendra Nath Mandal,
son of late Ramachandra Mandal,
at present working as Senior
Postmaster, Cuttack G.P.O., Town,
Munsiffi and district-Cuttack.

..... Applicant

-V e r s u s -

1. Union of India
represented by the Secretary, Posts,
Dak Bhavan, New Delhi 110001.
2. Postmaster General, Orissa Circle,
Bhubaneswar, Town/Munsiffi-
Bhubaneswar, District-Puri.
3. Director General of Posts
Department of Posts, New Delhi.
4. Rajkishore Dash,
Deputy Superintendent of Post Offices,
Cuttack City Division, Town, P.O. and
District-Cuttack.
5. Bhagyadhar Kar,
Superintendent of Post Offices,
At, P.O. & District-Phulbani
6. I.V.N.Rao,
Superintendent of R.M.S.(K) Division,
At/P.O. Jharsuguda, Dist. Sambalpur.

..... Respondents

For the Applicant M/s. Devanand Misra,
Deepak Misra, R.N. Naik
R.N. Hota & A. Deo

For the Respondents .. Mr. A.B. Misra, Sr. Std. Counsel
1 to 3 : (Central)

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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

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)

:- J U D G M E N T :-

K.P.ACHARYA, MEMBER (JUDICIAL) In this application under section 19 of the Administrative Tribunals Act, 1985 the Petitioner prays to declare that the proceedings of D.P.C.held for promotion of the Petitioner to the post of Postal Superintendent service Group-B are vitated in the eyes of law and to direct the Respondents to give promotion to the Petitioner on regular basis.

2. Shortly stated, the case of the Petitioner is that while he was functioning as Superintendent of Post Offices at Balasore, an enquiry was initiated against him as he did not impose major penalty on one K.C.Mohanty. The Petitioner Sri K.N. Mandal came up before us in O.A.No.123/87. We disposed of O.A.123 of 1987 on 7th August, 1987 & we quashed the proceedings and exonerated the Petitioner from the charges. Thereafter, the Petitioner had a grievance that promotion which was due to him prior to the initiation of the proceedings was not considered by the D.P.C. and after consideration seal cover system was not adopted. Therefore, according to petitioner an illegality has been committed by the authorities.

3. In their Counter Opposite parties maintained that no illegality has been committed by the Opposite Parties & the case being devoid of merit is liable to be dismissed.

4. We have heard Mr. Deepak Misra, learned Counsel for the Petitioner and Mr. A.B.Misra, learned Senior Standing Counsel (Central) at some length. Mr. Deepak Misra submitted that he does

not want to press the application in view of the argument advanced in O.A.308/87 Judgement of which has been reserved. Hence, this case is disposed of as not pressed leaving the parties to bear their own costs.

K. S. Nayak
27.2.89
MEMBER (JUDICIAL)

B.R.PATEL, VICE-CHAIRMAN

9 agree.

B. R. Patel
27.2.89
VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench
February 27, 1989/Mohapatra

