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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

Original Application No. 178/89

Date of decision: 4th May, 1989

Niranjan Das, aged about 37 years,
Son of Mahadeb Das, village and P.O.
Bada Patasundarpur, P.S. Gobindpur,
District-Cuttack.

..... Applicant

-Versus-

1. Union of India, represented by the Secretary, Department of Posts, Dak Bhavan, New Delhi.
2. Postmaster General, Orissa Circle, At/P.O. Bhubaneswar, Dist. Puri
3. Senior Superintendent of Post Offices, Cuttack City Division, Cuttack, At/P.O./District-Cuttack.
4. Sub-Divisional Inspector (Postal) Cuttack West Sub-Division, Cuttack, At/P.O./District-Cuttack.

..... Respondents

For the Applicant M/s. Devanand Misra, Deepak Misra, Anil Deo, R.N. Naik & B.S. Tripathy, Advocates

For the Respondents. ... Mr. A.B. Misra, 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. TRIPATHY

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.

JUDGMENT :-

P.K.P.ACHARYA, MEMBER (JUDICIAL) In this application under Section 19 of the Adminstrative Tribunal's Act, 1985 the petitioner prays to quash the order contained in Annexure-2 and to pass appropriate orders directing the Respondent not to abolish the post of E.D.Night-Watchman at Sundergram Sub-Post Office until an alternative appointment is provided to the applicant in a nearby post office of Sundergram.

2. Shortly stated that the case of the petitioner is that he was appointed as Extra Departmental Night Watchman at Sundergram Sub-Post office within the district of Cuttack. The post of Night Watch man having been abolished as a policy decision taken by the Government the petitioner has been given alternative posting as a E.D.M.C. in Kathjori Branch Post office within the Dist.of Cuttack. On this account the petitioner has a grievance and hence this application with the aforesaid prayer.

3. No counter has been filed for the reasons stated in the ordersheet.

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 strongly argued before us that the distance between Sundergram Sub-Post office and Kathjori post office is about 20 K.Ms. and therefore for a poor man like the petitioner it would be utterly difficult to travel such long distance and perform his duties. Hence Mr.Misra prayed that Annexure-2 should be

quashed and further more direction should be given to the Postal Authority to give an appointment to the petitioner at a place near about Sundergram Sub-Post Office. Mr. Deepak Misra relied upon the clarification regarding absorption of surplus E.D.D.A. on the waiting list. Of course in the clarification it has been stated that appointment should be given at near about place as far as possible. This does not necessarily mean that no appointment can be given if the post is not available in nearby place. In such circumstances we do not feel inclined to quash Annexure-2. We would say that the Petitioner will be well advised to join as E.D.M.C. in Kathjori Branch Post office and before we part from this case we would say that the Postal Authority may consider transfer of the petitioner from Kathjori post office to any other post office in a nearby place. Whenever vacancy occurs.

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

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MEMBER (JUDICIAL)

B.R.PATEL, VICE-CHAIRMAN

9 agree -



VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench, Cuttack
4th May, 1989. /Mohapatra