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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO: 214 OF 1989

and

REVIEW APPLICATION NO: 16 OF 1990

Date of decision: 17.12.1990.

Parsuram Nayak

Applicant

Versus

Union of India and others

Respondents

For the applicant

: Mr. B.N.Nayak

For the Respondents

: Mr. A.K.Mishra Sr.Standing
Counsel (CAT)

: Mr. Tahali Dalai Addl.
Standing Counsel (Central)
in O.A. NO.214/89.

C O R A M:

THE HON'BLE MR. B.R.PATEL VICE CHAIRMAN

AND

THE HON'BLE MR. K.P.ACHARYA VICE CHAIRMAN

1. Whether reporters of local papers may be allowed to see the Judgment ? Yes.
2. To be referred to the reporters or Not? ^{1/2} No
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

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JUDGMENT

K.P.ACHARYA, VICE CHAIRMAN, Both the above mentioned cases were heard one after the other as they involve common questions of fact and law and therefore it is directed that this common judgment would govern both the cases mentioned above.

2. Review Application No. 16 of 1990 arises out of the judgment passed by this Bench in O.A. No.19 of 1989 disposed of on 18th January, 1989.

3. The case of the petitioner Krupasindhu Mishra in O.A. No.19 of 1989 was that he (Krupasindhu) was working as Extra Departmental Branch Post Master of Biruda Post Office in account with Itamati Sub Office under Nayagarh Sub-Division in place of one Shri Krushna Mohan Patra who had been put off from duty followed by a Departmental Proceeding. The Disciplinary Authority awarded a punishment to Krushna Mohan Patra which was carried on appeal. The Appellate Authority i.e. the Senior Superintendent of Post Offices, Puri Division vide his order dated 21.12.1988 conveyed the orders of the Post Master General Stating that the said Krushna Mohan Patra was reinstated in to service with immediate effect and in consequence thereof Krupasindhu had to vacate the said office and handed over charge to Krushna Mohan Patra. Krupasindhu Mishra filed a petition

which formed subject matter of O.A. No.19 of 1989 and in the said petition the petitioner prayed for a direction to be given to the Opposite Parties to post him an Extra Departmental Branch Post Master either in Saradhapur Post Office or any other suitable place. In our judgment we observed that the competent Authority may consider the appointment of the petitioner, Shri Krupasindhu in Saradhapur Post Office and accordingly the petition was disposed of

4. Due to the aforesaid order passed by us in Original Application No. 19 of 1989, the case of the petitioner in review Application No.16 of 1990 though considered and according to the petitioner he had fared well in the interview , still the petitioner was not appointed as E.D.B.P.M., Saradhapur Branch Post Office and in preference to the petitioner the said Krupasindhu Misra the petitioner in O.A. No.19 of 1989 has been selected for appointment because of the order we have passed. Hence this Review Application and the application under Section 19 of the Administrative Tribunals Act, 1985 forming subject matter of O.A. No.214 of 1989 has been filed praying to Review the judgment passed in O.A. No.19 of 1989 and cancel the observations made for appointment of Krupasindhu in Saradhapur Post Office.

5. Incidentally it may be stated that in view of the judgment passed by the Full Bench of the Central

Administrative Tribunal in the case of John Lucas and another Vs. Additional Chief Mechanical Engineer, S.C. Railway and others reported in 1987 (3) ATC 328, the person aggrieved (who was not a party in the O.A. Case) has right to file a Review Application and accordingly we do hereby entertain this Review Application filed by the petitioner P.C. Naik who was not a party in O.A. No. 19 of 1989.

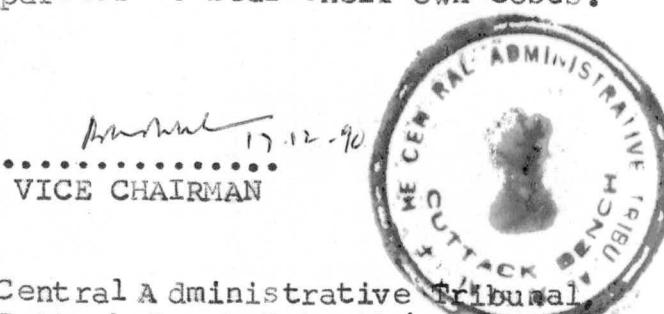
6. In both the Review Application and O.A. we have heard Mr. B.N. Nayak learned Counsel for the petitioner, Mr. A.K. Mishra learned Sr. Standing Counsel (CAT) for the Opposite Parties and Mr. Tahali Dalai, learned Additional Standing Counsel (Central) in Original Application No. 214 of 1989 at some length and we have also heard Mr. Deepak Misra. When we made the observation in O.A. No. 19 of 1989 that Krupasindhu should be appointed against the post of E.D.B.P.M. at Saradhapur or any other post office we were not told that the process of selection for Saradhapur post office had progressed and the petitioner Shri Parusuram Naik and others had been interviewed. Therefore, keeping in view this important fact we do hereby Review the judgment passed in O.A. No. 19 of 1989 and direct cancellation of our observation for appointment of

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Shri Krupasindhu Mishra as E.D.B.P.M., Saradhapur Post Office and we give liberty to the Departmental Authority to make selection of a suitable candidate from amongst the candidates who had appeared in the interview for appointment to the post of E.D.B.P.M., Saradhapur Post Office and pass orders according to law and we further direct that case of Krupasindhu Mishra be considered for appointment to any other Post office even as E.D.D.A. if possible. Thus, the Review Application and the Original Application No.214 of 1989 are accordingly disposed of.

7. Following the course of action taken by the Full Bench in regard to the return of Rs. 50/- deposited by the petitioner in O.A. No.214 of 1989 in the shape of Indian Postal order, we direct that the amount of Rs.50/- paid by the petitioner Shri Parusuram Nayak in the shape of Indian Postal order be returned to him. Thus the cases mentioned above are accordingly disposed of leaving the parties to bear their own costs.



Central Administrative Tribunal,
Cuttack Bench:Cuttack/K.Mohanty.