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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH : CUTTACK.

Original Application No.19 of 1989.

Date of decision : January 18, 1989.

Sri Krupasindhu Mishra, aged about 41 years,  
son of late Aparti Mishra, Village & P.O.  
Biruda, Via-Nayagarh, District-Puri.

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Applicant.

Versus

1. Union of India, represented by its  
Secretary in the Department of Posts,  
Dak Bhavan, New Delhi.
2. Postmaster General, Orissa Circle,  
At & P.O., Bhubaneswar, District-Puri.
3. Senior Superintendent of Post Offices,  
Puri Division, At, P.O./Dist-Puri.

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Respondents.

For the applicant ... M/s. Devanand Misra,  
Deepak Misra,  
A. Deo,  
B. S. Tripathy, Advocates.

For the respondents ... Mr. A. B. Mishra, Sr. Standing Counsel  
(Central)

C O R A M S

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.

JUDGMENT

K.P.ACHARYA, MEMBER (J) In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays for direction to the respondents to give the applicant a posting as an Extra-Departmental Branch Postmaster either at Saradhapur or at any other suitable place.

2. Shortly stated, the case of the applicant is that he was working as Extra-departmental Branch Postmaster of Biruda Post Office in account with Itamati Sub Office under Nayagarh Sub-Division in place of one Shri Krushnamohan Patra who had been proceeded against in a departmental enquiry. The said Krushnamohan Patra was punished in the departmental enquiry and the matter was carried in appeal. The appellate authority i.e. Senior Superintendent of Post Offices, Puri Division vide his order dated 21.12.1988 conveyed the orders of the Postmaster General stating that the said Krushnamohan Patra was reinstated into the service with immediate effect and in consequence thereof the present applicant was directed to handover charge to Shri Krushnamohan Patra and it was further stated in the order that the present applicant would be given appointment in any Extra-Departmental Agent post (other than Extra-departmental Branch Postmaster) in any future vacancy which may occur in any nearby Post Office. The present applicant feels aggrieved in regard to the order passed by the Senior Superintendent of Post Offices limiting his appointment to any EDA post.

3. Mr. Deepak Misra, learned counsel for the applicant submitted before us that the present applicant having worked as Extra-Departmental Branch Postmaster for about 11 years, should not be appointed against any post of E.D.A. but his case should be considered in regard to the post of Extra-Departmental Branch Postmaster. We have also heard learned Senior Standing Counsel (Central), Mr. A. B. Mishra on this matter. It was submitted by learned Sr. Standing Counsel (Central) that if any change is made in the order passed by the Sr. Superintendent of Post Offices, it may be to the detriment of the applicant because there would be more number of posts in the cadre of E.D.D.A. which may be made available to the applicant and therefore, any alteration in the impugned order may work out against the interest of the applicant. Mr. Deepak Misra submits on instructions that the applicant is prepared to run the risk. It was further submitted by Mr. Deepak Misra that there is a vacancy in Saradhpur Post Office for appointment as Extra-Departmental Branch Postmaster. If that is so, we would direct that the competent authority may consider the appointment of the applicant to the said Post Office, if we have not already given any direction for appointment of any other person to the said Post Office.

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

B.R. PATEL, VICE-CHAIRMAN,

9 agree.

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Member (Judicial)  
18.1.89

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Vice-Chairman  
18.1.89

Central Admn. Tribunal,  
Cuttack Bench: Cuttack.  
January 18, 1989/Sarangi.

