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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 260 of 1989.

Date of decision : June 23, 1989.

Maharagu Seth, aged 38 years, son of late Kantu Seth, of Satlama, P.O. Satalama, Via-Barpali, P.S. Barapali, Dist. Sambalpur, ... Applicant.

Versus

1. Union of India, represented by its Secretary, Department of Posts, Dak Bhavan, New Delhi.
2. Senior Superintendent of Post Offices, Sambalpur Division, At, P.O., P.S., District-Sambalpur.
3. Arta Kumbhar, E.D.B.P.M., Satlama, B.O. Under Barpali S.O., At, P.O. Satlama, Via-Barpali, P.S. Barpali, Dist-Sambalpur. ... Respondents.

For the applicant ... M/s. Devashis Panda,
G.C. Mohapatra,
Miss. D.R. Nanda, 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 ? *ND*
 3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.
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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 prays to direct the respondent No.2 to reinstate the applicant in his post as Branch Postmaster, Satlama Branch Post Office or any other nearby Post Office.

2. Shortly stated, the case of the applicant is that he was appointed as an Extra-Departmental Branch Postmaster, Satlama Branch Post Office within the district of Sambalpur in place of one Shri Arta Kumbhar who had been proceeded against for having misconducted himself and the said Arta Kumbhar was removed from service. After removal of Shri Arta Kumbhar the present applicant was appointed to act as an Extra-departmental Branch Postmaster with effect from 22.5.1986 and from such date the present applicant discharged the duties of Extra-departmental Branch Postmaster of Satlama Branch Post Office. Being aggrieved by the order of removal from service, Arta Kumbhar had filed an application under section 19 of the Administrative Tribunals Act, 1985 challenging the order of removal and praying therein to set aside the said order and reinstate him into service. This formed subject matter of O.A.256 of 1987 which was disposed of on 12.4.1989, and we ^{had} set _{in} aside the order of removal of Arta Kumbhar from service and directed his reinstatement. Consequently, the appropriate authority i.e. the Senior Superintendent of Post Offices, Sambalpur Division, by his memo No. PF/A.487 dated 11.5.1989 contained in Annexure-2 ordered

reinstatement of Shri Arta Kumbhar and simultaneously directed the present applicant to vacate the Office of the Extra-Departmental Branch Postmaster, Satlama Branch Post Office. Hence, this application with the aforesaid prayer.

3. We have heard Mr. G.C. Mohapatra, learned counsel for the applicant and Mr. A.B. Mishra, learned Senior Standing Counsel (Central) for the respondents at some length. The Senior Superintendent of Post Offices, Sambalour Division had no other option but to implement our judgment and therefore, very rightly the Senior Superintendent of Post Offices, Sambalpur Division directed reinstatement of Shri Arta Kumbhar and rightly passed order directing the present applicant to vacate the said Office and legitimately there could be no grievance on the part of the applicant.

4. Mr. Mohapatra urged before us that the services of the present applicant should be protected by virtue of this judgment, namely ~~we request~~ the departmental authorities to sympathetically consider the case of the incumbents who have been removed from service in these circumstances. We find no reason to make a departure from the view already taken in several other cases. We, therefore hope and trust, Senior Superintendent of Postoffices Sambalpur Division would take a sympathetic view over the petitioner who has served for about 3 years and during these hard days some other posts of similar nature should

be found out for the applicant and he should be appointed to such post as early as possible.

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

[Signature]
23.6.89
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Member (Judicial)

B.R.PATEL, VICE-CHAIRMAN,

g agree.



Central Administrative Tribunal,
Cuttack Bench, Cuttack.
June 23, 1989/Saranghi.

[Signature]
23.6.89
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Vice-Chairman