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Central Administrative Tribunal
Cuttack Bench, : Cuttack.

Original Application No.305 of 1989

Date of decision: 13.10.1992.

NARASINGHA DAS

..... Applicant

-Versus-

Union of India and others

For the Applicant : M/s G.P.Mohanty,
P.S.Mohanty,
K.Moharana,
Advocates.

For the Respondents : Mr.Aswini Kumar Misra,
Sr.St.Counsel(Central)

C O R A M:

THE HONOURABLE MR. K.P.ACHARYA, VICE CHAIRMAN
A N D
THE HONOURABLE MR. C.S. PANDEY, MEMBER (ADMN.)

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.

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J U D G M E N T

K.P.ACHARYA, V.C.

In this application under section 19 of the Administrative Tribunals Act, 1985, the Petitioner prays for a direction to be issued to the Opposite Parties to comply with the direction already given in the judgment passed in T.A. No. 373 of 1985 dated 18.3.1987 and for a further direction to the Opposite Parties to accept the documents filed by the Petitioner and issue the order of reinstatement in favour of the petitioner alongwith backwages.

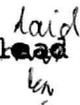
2. Shortly stated the case of the Petitioner is that he had worked as an Extra Departmental Branch Post Master in Ranigaon Village and after completing 14 years of service, a Departmental proceeding was initiated against him and ultimately by an order dated 6.3.1975, the Superintendent of Post Offices, Berhampur dropped the proceeding with ^athe condition that the petitioner would reside in the Branch Office village by locating the Branch Post Office in his own house and that he would produce a fresh certificate of solvency furnishing the particulars of property owned by him. Since these communications were ^{wef} _{kn} received by the Petitioner, ^{kn an application was filed by him under Article 226 of the Constitution before the Honourable High Court of Orissa which formed subject matter of O.J.C. No. 2219 of 1985 and subsequently transferred under Section 29 of the Administrative Tribunals Act, 1985 which was renumbered as T.A. 373 of 1985. This case was disposed of on 18th March, 1987 with certain directions. They have not been complied by the Superintendent of Post Offices, and hence this application has been filed with the aforesaid prayer.}

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3. In their counter, the Opposite Parties maintained that as per the directions given in the judgment of the Transferred application, the petitioner was called upon to file the original Patta and other documents relating to the ownership of the House offered by the Petitioner for locating the Post Office and also the property statement indicating his solvency. Those directions were not complied by the Petitioner and above all a notice under section 80 CPC was received from a particular advocate on behalf of the rival claimant for the house in question and for which a suit has been filed. In such circumstances, the petitioner could not be reinstated since the petitioner has not been able to prove ~~exclusive~~ ownership of the petitioner in regard to the house in question. Therefore, the Superintendent of Post Offices felt reluctant to reinstate the petitioner and allow him to hold the post office in a disputed house.

4. The directions contained in the judgment passed in Transferred Application No.373 of 1985 is admitted. Rightly the Superintendent of Post Offices issued notice to the Petitioner to file the original patta and other documents relating to the ownership of the house in question. Though the S.D.I.P. had called upon the Petitioner to file the original Patta and other documents they were not filed. This conduct of the Petitioner appears to be very suspicious. However, the fact remains (on the basis of the documents filed by the Opposite Parties), the house offered to locate the post office and claimed by the petitioner to be his own house is disputed by another Branch who had ^{laig} had a rival claim and


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a notice to the above effect was served on the Superintendent of Post Offices and perhaps the suit is pending.

5. In the circumstances stated above, we are of opinion that there was justification on the part of the Superintendent of Post Offices not to have accepted the disputed house to be fit for locating the post office and therefore, rightly the reinstatement of the petitioner was refused. We find no merit in this application which stands dismissed leaving the parties to bear their own costs.

6. Before we part with this case, we must say that it was the bounden duty of the Superintendent to seek for a clarification and further instructions from the court when it was not possible on his part to implement the judgment passed in T.A. No.373 of 1985, instead of taking a decision at his level. We expect the Postal authorities to remain alive to their duties and responsibilities especially the duty which one owes to the court. Since a lapse of the present nature has come to our notice for the first time, we refrain ourselves from taking any action against the concerned Superintendent, hoping that there will not be any reoccurrence of matters of this nature.

K. Mohanty

MEMBER (ADMINISTRATIVE)

[Signature]
13/10/92
VICE CHAIRMAN

Central Administrative Tribunal
Cuttack Bench/Cuttack/K. Mohanty
13.10.92

