

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.314 of 1989.

Date of decision : December 6,1990.

Keshab Ch.Rout ... Applicant.

Versus

Union of India and others ... Respondents.

For the applicant ... M/s.H.P.Rath, Deepak Misra,
R.N.Naik, Advocates.

For the respondents
1 to 3 ... Mr.Aswini Kumar Misra,
Sr.Standing Counsel (CAT)

For the respondent No.4.. Mr.Antaryami Rath, Advocate.

C O R A M :

THE HONOURABLE MR. B.R. PATEL, VICE-CHAIRMAN

A N D

THE HONOURABLE MR. N. SENGUPTA, 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 ?
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

J U D G M E N T

B.R. PATEL, VICE-CHAIRMAN, Briefly stated, the facts are that as a consequence of Respondent No.4 in this case having been put off duty as a result of a disciplinary proceeding, the applicant was appointed as Extra-Departmental Branch Post Master of Balana Branch Post Office in the district of Cuttack. When the enquiry into the charges against Respondent No.4 was over, the disciplinary authority imposed a penalty of removal from service. The incumbent i.e. Respondent No.4

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however took the case on appeal to the appellate authority. The appellate authority quashed the order of removal from service and reinstated him in service, as a result of which the applicant is out of service. He had in the mean time served for about 4 years as Extra-Departmental Branch Post Master, Balana Branch Post Office. In this application he has moved the Tribunal to direct the respondents 1 to 3 to appoint him permanently in the post of Extra-Departmental Branch Post Master, Balana Branch Office and pass orders conferring on him consequential service benefits.

2. We have heard Mr. R. N. Naik, learned counsel for the applicant, Mr. Aswini Kumar Misra, learned Senior Standing Counsel (CAT) for the Respondents 1 to 3, and Mr. Antaryami Rath, learned counsel for Respondent No. 4. As the facts of this case narrated above would show Respondent No. 4 was the regular Extra-Departmental Branch Post Master of Balana Branch Post Office who had been put under disciplinary proceeding having been put off duty and the applicant was appointed provisionally in his place to do the work of Extra-Departmental Branch Post Master, Balana Branch Post Office. In view of this the applicant cannot be regularised as Extra-Departmental Branch Post Master, Balana Branch Office. However, since he has put in 4 years of service and has acquired some experience and nothing adverse against him has been brought to our notice we would direct that his case may be considered for appointment as an Extradepartmental Agent either in the Balana Branch Post Office or in any other Post Office nearby, if he has the eligibility and suitability.

Antaryami Rath

3. The case is accordingly disposed of. No costs.

A. S. Eup...
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Member (Judicial)

R. S. ... 6.12.90
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Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
December 6, 1990/Saranghi.

