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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 325 of 1989

Date of Decision 10.2.1992

Pranabandhu Swain Applicant

Versus

Union of India & others Respondents

For the applicant M/s. Devanand Mishra,
Deepak Mishra,
R.N. Naik, A. Deo
B.S. Tripathy,
Advocates

For the respondents M/s. A.K. Mishra,
Standing Counsel (Central)

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C O R A M

HON'BLE MR. K.P. ACHARYA, VICE-CHAIRMAN

AND

HON'BLE MISS USHA SAVARA, MEMBER (ADMINISTRATIVE)

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1. Whether the reporters of local newspapers may be allowed to see the judgment ? Yes
2. To be referred to reporters or not ? *W*
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes

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JUDGMENT

MR. K. P. ACHARYA, VICE-CHAIRMAN, 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 for reinstating the petitioner to the said post of E.D.B.P.M., Lethaka Branch Office.

2. According to the petitioner, he was working as E.D.B.P.M. in Lethaka Branch Post Office for some time and thereafter a criminal case forming subject matter of GR 220/69 was instituted against the petitioner under Section 262 I.P.C. It is stated by the petitioner that he was discharged from the said G.R. case and therefore prays to be reinstated.

3. According to the opposite parties, there are no such records in their office to indicate that the petitioner at any point of time had been appointed as E.D.B.P.M., or had been put off from duty. Hence the case is devoid of merit and liable to be dismissed.

4. We have heard learned counsel for the petitioner Mr. A. Deo, and learned Standing Counsel for the Central Government Mr. A. K. Mishra. In this case also the petitioner has not filed any document to indicate that he was ever appointed in the said post office or had been put off from duty. In case the petitioner had been appointed then it was expected that certain documents to that effect could be produced. Therefore in the absence of the burden of proof having been satisfactorily discharged by the petitioner, we cannot come to a conclusion that the petitioner had ever been appointed. We find no merit in this case which stands dismissed. No costs.


10.2.92
MEMBER (ADMINISTRATIVE)


10.2.92
VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack, Bench
dated 10.2.1992/Sahoo