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Giridhari Swain ... Applicant.

Union of India and others ...	Respondents.
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For the respondents
1 to 3 ... Mr.Aswini Kumar Misra,
Sr.Standing Counsel (CAT)

C O R A M:

A N D

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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18 (8)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.354 of 1989.

Date of decision : November 12, 1991.

Giridhari Swain

...

Applicant.

Versus

Union of India and others

...

Respondents.

For the applicant ...

M/s. Biswa Mohan Patnaik,
R.M. Misra, P.K. Misra,
P.R. Barik, Advocates.

For the respondents 1 to 3..

Mr. Aswini Kumar Misra,
Sr. Standing Counsel (CAT)

For the respondent No. 4. .

M/s. Devanand Misra,
Deepak Misra,
R.N. Naik, A. Deo,
B.S. Tripathy,
U.S. Agrawal, Advocates.

C O R A M:

THE HONOURABLE MR. K. P. ACHARYA, VICE-CHAIRMAN

A N D

THE HONOURABLE MR. J. C. ROY, MEMBER (ADMINISTRATIVE)

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 applicant prays to quash the order of appointment issued in favour of Respondent No. 4 and to direct the respondents to appoint the applicant as Extra-Departmental Branch Post Master, Saradhapur Branch Post Office.

2. Shortly stated, the case of the applicant is that the father of the applicant while functioning as Extra-Departmental Branch Postmaster, Saradhapur Branch Post Office died on 15.4.1988. Due to the illness of the applicant's father, the applicant was at times discharging the duties of the Extra-Departmental Branch Post Master of the said

Post Office. The applicant had applied for appointment on compassionate grounds and vide letter dated 5.8.1988 he was informed that the Rules do not permit for his appointment on compassionate grounds. In the meanwhile vide judgment dated 18.1.1989 passed in O.A.19 of 1989 this Bench directed the Postal authorities to appoint Shri Krupasindhu Mishra (the applicant in the said case) as Extra-Departmental Branch Postmaster of Saradhapur Branch Post Office and accordingly Shri Krupasindhu Mishra was appointed. Hence this application with the aforesaid prayer.

3. We have heard Mr. Aswini Kumar Misra, learned Senior Standing Counsel (CAT) for the respondents and we have perused the case records.

4. The specific direction ^{given} made in the said judgment is as follows:

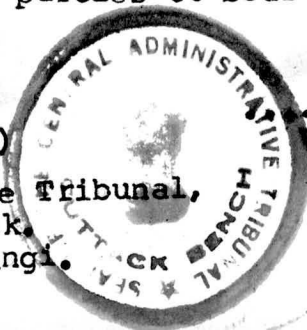
"We would direct the competent authority may consider the appointment of the applicant (meaning to Krupasindhu Mishra) to the said Post Office (meaning Saradhapur Branch Post Office)."

In view of the specific direction the Postal authorities have issued an order of appointment in favour of Shri Krupasindhu Mishra.

5. This Bench is of opinion that it cannot supersede the judgment passed by a Division Bench of this Tribunal. Hence, we find no merit in this application which stands dismissed leaving the parties to bear their own costs.

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MEMBER (ADMINISTRATIVE)

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
November 12, 1991/Sarang.



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VICE-CHAIRMAN.