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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO: 414 of 1989

Date of decision: 14.2.92.

Rabinarayan Mohapatra Applicant.

-Versus-

Union of India and others Respondents.

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For the applicant : M/s. Devanand Misra,
Deepak Misra,
B.S. Tripathy,
U.S. Agrawal,
Advocates.

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

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C O R A M:

THE HONOURABLE MR. K.P. ACHARAYA, VICE CHAIRMAN

AND

THE HONOURABLE MISS USHA SAVARA, MEMBER (ADMN.)

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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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JUDGMENT

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 not to terminate the services of the Petitioner in respect of the Post of E.D. Packer of Chandanpur Sub Post Office on regular basis.

2. Shortly stated the case of the Petitioner is that vide Annexure-1 dated 5.8.1989, the Petitioner Shri Rabinarayan Mohapatra was appointed provisionally as an E.D. Packer with a stipulation that the services of the Petitioner will be terminated when regular appointment is made or in the alternative for three months from the date of joining. Further more the case of the Petitioner is that even though a regular incumbent has not been appointed, the Opposite Party No.3 has terminated the services of the Petitioner for which he feels aggrieved and this application has been filed with the aforesaid prayer.

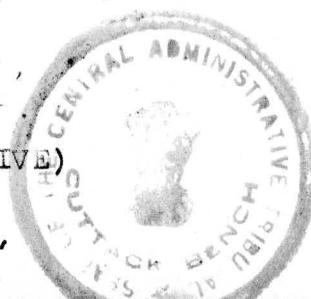
3. In their counter, the Opposite Parties maintain that applications were invited for filling up of the Post of E.D. Packer, and the Local Employment Exchange had sponsored twenty names, out of which sixteen persons fulfilled the eligibility conditions and therefore, those sixteen candidates were asked by the Opposite Party No.3 to apply for the Post and they have made such applications including that of the

Night watcher (Chowkidar) whose services were terminated in the Post of Night Watchman due to abolition of such post. The said night watchman was found to be suitable and he was accordingly appointed to the Post ^{of} E.D.Packer and he has also joined the work from 14th October, 1989. With effect from ~~such~~ ^{was} date the Petitioner relieved from the post of E.D. Packer as he had been appointed provisionally. It is therefore, maintained by the Opposite Parties that the case of the applicant is devoid of merit and is liable to be dismissed.

4. We have heard Mr. R.N.Naik learned Counsel for the Petitioner and Mr. Asini Kumar Misra learned Standing Counsel (CAT) for the Postal Department. There is no evidence before us to repudiate the contention of Mr. Mishra that the said night watchman has also been appointed to the post of E.D. Packer and has joined as such. In the circumstances, stated above, we do not feel inclined to interfere with the order of appointment in respect of the incumbent found suitable. At the same time we would command to the Superintendent of Post Offices to sympathetically consider the case of the present Petitioner and give an appointment in some other Post Offices if he is found suitable.

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

MEMBER (ADMINISTRATION)
C.A.T, Cuttack Bench,



VICE CHAIRMAN
14-2-92