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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.5 of 1989

Date of decision: January 30, 1989

Trilochan Tripathy,
son of Maheswar Tripathy, village
Laxmipur, P.O. Khelakhali, P.S. Baguda,
District-Ganjam. Applicant

-Vs-

1. Union of India represented by
its Secretary, Department of Posts,
Dak Bhawan, New Delhi.
2. Postmaster General, Orissa Circle,
At/P.O. Bhubaneswar, District-Puri.
3. Superintendent of Post Offices,
Aska Division, At/P.O. Aska,
District-Ganjam. ... Respondents

For the applicant M/s. Devananda Misra
Deepak Misra &
Anil Deo, Advocates.

For the respondent Mr. A.B. Misra, Sr. Standing
Counsel (Central)

C O R A M :

THE HON'BLE MR. B.R. PATEL, VICE-CHAIRMAN
A N D
THE HON'BLE MR. K.P. ACHARYA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed to see the judgement ? Yes
2. To be referred to the Reporters or not ?
3. Whether Their Lordships wish to see the fair copy of the judgement ? Yes.

JUDGMENT

K.P.ACHARYA, MEMBER (J)

In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays that a direction be given to the respondents to adjust the applicant as Extra-Departmental Delivery Agent in Seragada Post Office.

2. The facts leading to this case are as follows : The applicant was appointed as Extra-Departmental Delivery Agent in Kholakhali Post Office within the district of Ganjam vice Shri Radhamohan Nanda who was proceeded against in a departmental enquiry and ultimately was removed from service. The said Radhamohan Nanda filed an application under section 19 of the Administrative Tribunals Act, 1985, which formed subject matter of O.A.222 of 1987 and was disposed of by this Bench on 23.6.1988. In the said case, we quashed the order of punishment passed against Shri Radhamohan Nanda and directed his reinstatement. Consequently, the present applicant was directed to vacate the post of Extra-Departmental Delivery Agent, Kholakhali and he did so. Thereafter, the applicant has come up with this application with the prayer mentioned above.

3. In their counter, the respondents maintained that Seragada Post Office having been bifurcated it is not possible for the departmental authorities to give any posting to the applicant in Seragada Post Office. The Department has suggested in the counter that there is a vacancy in Jhadabai Branch Post Office and in case, the applicant agrees the departmental authorities are prepared to appoint him in the said Post Office.

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4. We have heard Mr. Deepak Misra, learned counsel for the applicant and Mr. A. B. Mishra, learned Senior Standing Counsel (Central) on this matter. Learned Senior Standing Counsel (Central) reiterated the facts stated in the counter and submitted that in case, the applicant agrees he would be appointed as Extra-Departmental Delivery Agent in Jhadabai Branch Post Office. Mr. Deepak Misra submitted on behalf of the applicant that the applicant has no objection for such appointment. Hence, we would direct that the applicant be appointed as Extra-Departmental Delivery Agent, Jhadabai Branch Post Office within two months from the date of receipt of a copy of this judgment, if not already appointed. From the counter it is found that an order of appointment has been issued in favour of the applicant on 6.1.1989 to join the post of E.D.D.A., Jhadabai Branch Post Office. Mr. Deepak Misra submitted that no such correspondence has been received by the applicant. In case, such an order has already been issued, the applicant may meet the concerned Superintendent of Post Offices and take delivery of the order of appointment and join the said post.

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

30.1.89
Member (Judicial)

B.R. PATEL, VICE-CHAIRMAN,

I agree.



30.1.89
Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
January 30, 1989/Sarangi.