

11

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

Original Application No.71 of 1989.

Date of decision is February 22, 1989.

Baikunthanath Behera,
aged about 22 years, son of
Biswanath Behera, of Nahakpada,
P.O. Basapalla, District-Puri. ...

Applicant.

Versus

1. Union of India represented by its
Secretary, Department of Posts,
Dak Bhavan, New Delhi.

2. Postmaster General, Orissa Circle,
At/P.O. Bhubaneswar, Dist.Puri.

3. Senior Superintendent of Post Offices,
At/P.O./District-Puri.

4. Inspector of Post Offices,
Nayagarh West (II),
At/P.O. Nayagarh, Dist.Puri.

... Respondents.

For the applicant ; M/s. Devanand Misra,
Deepak Misra,
R.N. Naik, Anil Deo,
B.S. Tripathy, Advocates.

For the respondents ... Mr. Tahali Dalai,
Additional 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 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.

JUDGMENT

K.P.ACHARYA, MEMBER (J) In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays for issuance of a direction to the respondents to adjust the applicant as Extra-Departmental Packer at Kishore Prasad Branch Post Office or to give him an alternative posting in the same category at any other suitable place.

2. Shortly stated, the case of the applicant is that one Gangadhar Chinera was discharging the duties of Extra-Departmental Packer at Satapatna Post Office within Nayagarh Sub-Division. The said Gangadhar Chinera was proceeded against in a disciplinary proceeding by the departmental authorities and he was put off from duty. Gangadhar Chinera having been ^{pink} cut off from duties, the present applicant Baikunthanath Behera was appointed temporarily to act as the Extra-Departmental Packer in the said Post Office and on 28.6.1986 the applicant took charge of the said post. It is maintained by the applicant that the departmental proceeding ended in favour of Gangadhar Chinera and consequently Gangadhar Chinera was ordered to be reinstated as a result of which the services of the present applicant have been dispensed with. Hence, this application with the aforesaid prayer.

3. We have heard Mr. B. S. Tripathy, learned counsel for the applicant and Mr. Tahali Dalai, learned Additional Standing Counsel (Central) at some length. The order passed

by the competent authority reinstating the said Gangadhar Chinera and directing the present applicant to vacate the post in favour of the said Gangadhar Chinera cannot be disturbed or unsettled and there is no prayer to that effect. The only prayer of the applicant is to adjust him elsewhere. It was submitted by Mr. Tripathy on behalf of the applicant that there is a vacant post of Extra-Departmental Mail Carrier attached to the Kishore Prasad Post Office within Nayagarh Sub-Division and it is prayed on behalf of the applicant that the competent authority may adjust the applicant against that post. It was also submitted ^{before} to us that the post of Extra-Departmental Mail Carrier is within the same category as that of Extra-Departmental Packer. If it is so, we wish to say that the competent authority may consider the case of the applicant sympathetically and if possible adjust the applicant against the said post.

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

By a. s. s. 22.2.89.
.....
Member (Judicial)

B.R. PATEL, VICE-CHAIRMAN,

I agree.



22.2.89.
.....
Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
February 22, 1989/S. Sarangi.