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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

Original Application No.95 of 1989.

Date of decision : March 20,1989.

Narendra Kumar Bhoi, aged about 31 years,
s/o Shri Kumar Bhoi of village Chandpur,
P.O.Biridi, P.S.Jagatsinghpur, Dist.Cuttack.
and was working as Extra-Departmental Branch
Postmaster Biridi Road Branch Post Office,
Biridi P.S.Jagatsinghpur, Dist.Cuttack.

... Applicant.

Versus

1. Union of India, represented by the
Secretary, Department of Posts, New Delhi.
2. Postmaster General, Orissa Circle,
At/P.O.Bhubaneswar, Dist.Puri.
3. Superintendent of Post Office,
Cuttack South Division, At-Cantonment
Road, P.O.Cuttack-753001, Town & Dist.
Cuttack.
4. Asst. Superintendent of Post Offices
Jagatsinghpur Sub-Division,
At/P.O.Jagatsinghpur, Dist-Cuttack.

... Respondents.

For the applicant ... M/s.R.B.Mohapatra,
J.Jujharsingh, Advocates.

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

J U D G M E N T

K.P.ACHARYA, MEMBER (J) In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays to quash the order dated 3.1.1989 contained in Annexure-4 passed by the Respondent No.4 and command the respondents to allow the applicant to continue in the post of Extra-Departmental Branch Postmaster of Biridi Road Branch Post Office or in the alternative to direct the respondents especially Respondent No.4 to give appointment in Somepur Post Office.

2. Shortly stated, the case of the applicant is that he was appointed as Extra-Departmental Branch Postmaster of Biridi Road Branch Post Office on 23.2.1986 in the place of one Shri Dasarathi Kar who was proceeded against by the departmental authorities in connection with a departmental proceeding. The said proceeding ended in favour of the said Dasarathi Kar as a result of which Dasarathi Kar has been reinstated to the post of Extra-Departmental Branch Postmaster, Biridi Branch Post Office and consequently, the applicant has been asked to vacate the said Post to allow Dasarathi Kar to continue as Extra-Departmental Branch Postmaster. In such circumstances, the applicant has come up before this Bench with the aforesaid prayer.

3. We have heard Mr.R.B.Mohapatra, learned counsel for the applicant and Mr.Tahali Dalai, learned Additional Standing Counsel (Central) at some length. We cannot disturb the order passed in Annexure-4 reinstating Shri Dasarathi Kar

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and consequently asking the applicant to vacate the said Office. The alternate prayer of the applicant for ^aposting in Somepur Post Office could be considered. Hence, we would request the Postmaster General, Orissa Circle and Respondent No.3, namely Superintendent of Post Offices, Cuttack South Division, Cuttack to consider the appointment of the applicant in Somepur Post Office in case there is a vacancy. If there is no vacancy, the case of the applicant may be considered for appointment in any other post offices in the vicinity.

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

Sanjay
20.3.89
.....
Member (Judicial)

B.R. PATEL, VICE-CHAIRMAN,

9 agree.



Central Administrative Tribunal,
Cuttack Bench, Cuttack.
March 20, 1989/Saranghi.

M. M. M.
20.3.89
.....
Vice-Chairman