

(15)

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO: 136 OF 1990

Date of decision: 29th April, 1992.

Arjuna Charan Jena

: Petitioner

-Versus-

Union of India and others

: Opp. Parties

For the Petitioner

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

For the Opp. Parties

: Mr.A.K.Misra, St.Counsel(Central)

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CORAM:

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

AND

THE HONOURABLE MR. C.S. PANDEY, MEMBER (ADMINISTRATIVE)

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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.

1/2/1

JUDGMENT

K.P.ACHARYA, V.C. In this application under section 19 of the Administrative Tribunals Act, 1985, the Petitioner prays for a direction be issued to the Opposite Parties to consider the case of the applicant while filling up the post of Branch Postmaster of Nikirai Post Office in regular manner.

2. Shortly stated the case of the Petitioner is that he was appointed as Extra Departmental Branch Post Master, of Nikirai Post Office and he functioned as such for some time and thereafter his services have been terminated. Hence this application has been filed with the aforesaid prayer.

3. In their counter, the Opposite Parties maintained that the appointment of Petitioner was on provisional basis pending regular selection. It is further maintained in their counter that Kumari Pranatanjali Jena daughter of late Ghanashyam Jena, Ex-E.D.B.P.M., Nikirai has already been appointed on compassionate ground and therefore, the provisional appointment of the present petitioner was rightly terminated.

4. We have heard Mr. Deepak Misra learned Counsel appearing for the Petitioner and Mr. A.K. Mishra learned Standing Counsel (Central).

KJ

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5. We do not like to interfere with the discretion exercised by the competent authority in giving appointment on compassionate ground to Kumari Pranatanjali Jena. Hence we do not find any ~~merit~~ <sup>in</sup> of this application which stands dismissed. We would commend to the authorities that the case of the Petitioner Shri Arjuna Charana Jena may be considered sympathetically for appointment to any Extra Departmental Posts to which he will be found to be suitable as he has served ~~for~~ the department for more than 2 and  $\frac{1}{2}$  years loyally.

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

*Ghoshal*  
MEMBER ADMINISTRATIVE

*23/4/92*  
VICE CHAIRMAN

Central Administrative Tribunal,  
Cuttack Bench/K.Mohanty/29.4.92

