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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.290 of 1990.

Date of decision: January 3, 1991.

Bhaktabandhu Samantray ... Applicant.

Versus

Union of India and others ... Respondents.

For the applicant ::: M/s.Devanand Misra,
Deepak Misra,
R.N.Naik, A.Deo,
B.S.Tripathy, P.Panda, Advocates.

For the respondents ... Mr.A.B.Mishra,
Sr.Standing Counsel (Central)
Mr.Aswini Kumar Misra,
Sr.Standing Counsel (CAT)

C O R A M:

THE HONOURABLE MR.B.R.PATEL, VICE-CHAIRMAN

A N D

THE HONOURABLE MR.N.SENGUPTA, 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

B.R.PATEL, VICE-CHAIRMAN, The grievance of the applicant has arisen out of the order of the Senior Superintendent of Post Offices, Puri Division dated July 13, 1990, a copy of which is at Annexure-1. According to this order, the provisional appointment of the applicant was terminated and one Kelu Charan Palai, Ex-Extradepartmental Branch Post Master of Godarodanga Branch Office within the District of Puri

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was reinstated into service.

2. Briefly stated, the facts are that Kelu Charan Palai, the Extra-Departmental Branch Post Master of Godarodanga Branch Post Office was put off duty as a result of a criminal case started against him. Shri Palai was ultimately exonerated of the charge vide judgment dated 16.9.1989 in Criminal Revision No.480 of 1985. Upon the acquittal of Shri Palai the Department reinstated him into service as Extra-Departmental Branch Post Master of Godarodanga Branch Office vide order at Annexure-1. The applicant has moved the Tribunal in this application seeking appropriate orders directing the respondents to appoint him on regular basis in future vacancies. He has further prayed that he should be appointed as Extra-Departmental Sub Post Master of Markandeswarsahi where there was a vacancy and to give him all financial benefits.

3. We have heard Mr. Deo, learned counsel for the applicant and Mr. Aswini Kumar Misra, learned Senior Standing Counsel (CAT) for the respondents and perused the papers. Mr. Misra has drawn our attention to paragraph 7.f. of the counter where it has been mentioned that the vacancy of Extra-Departmental Sub-Post Master, Markandeswarsahi is no longer available since the incumbent who was on leave for some time has since returned and joined the post.

4. In view of the circumstances mentioned above, we hold that the reinstatement of Kelu Charan Palai, ex-Extra-Departmental Branch Post Master has been according to law and no exception could be taken to the orders passed by

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the Department. This is also not the plea of the applicant. The only thing the applicant has asked for is for adjustment in a similar vacancy that may arise in future in a nearby Post Office. The applicant has ofcourse no right as such in view of the fact that in his appointment order it was specifically mentioned that his provisional appointment would end on Kelu Charan Palai being taken back to service. However, this order of his provisional appointment is dated 15.6.1983 and as such he has served for a period of 7 years. Admittedly, he has performed his duties satisfactorily. We are of the view that it would be in the interest of administration to utilise his experience by adjusting him as Extra-Departmental Agents against the vacancy that may arise within the jurisdiction of the appointing authority in future.

5. This application is accordingly disposed of.

No costs.

M. S. Singh
3.1.91
.....
Member (Judicial)



B. S. Mishra
3.1.91
.....
Vice-Chairman

Central Administrative Tribunal
Cuttack Bench, Cuttack.
January 3, 1991/Saranghi.