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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 309 of 1990

Date of Decision: 18.5.1993

Smt. Krushna Sahoo

Applicant

Versus

Union of India & Others

Respondents

For the applicant

M/s. Devanand Mishra,
Deepak Mishra,
R.N. Naik, A. Deo,
B.S. Tripathy,
P. Panda &
D.K. Sahoo, Advocates

For the respondents 1 to 4

Mr. Aswini Kumar Mishra,
Standing Counsel
Central Government

For the respondent No. 5

M/s. P.V. Ramdas
B.K. Panda
D.N. Mohapatra
Advocates

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C O R A M:

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

AND

THE HONOURABLE MR. M. Y. PRIOLKAR, MEMBER (ADMINISTRATIVE)

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

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JUDGMENT

MR.K.P.ACHARYA, VICE-CHAIRMAN, In this application under Section 19 of the Administrative Tribunals Act,1985, the petitioner prays to direct the opposite parties to issue letter of appointment in favour of the petitioner appointing her to the post of Extra Departmental Branch Post Master, Mahulia Branch Post Office.

2. Shortly stated the case of the petitioner is that her case was considered alongwith others for appointment to the post of E.D.B.P.M., Mahulia Branch Post Office and she was found to be suitable for the said post. Accordingly, vide Annexure-2 dated 22.7.1990, the petitioner was informed that she has been selected for the post of E.D.B.P.M., Mahulia Branch Post Office, provided that she would offer a free accommodation for functioning of the post office; and in reply thereto, vide Annexure-3 dated 25.7.1990, the petitioner informed that she is ready and willing to open the post office in her own house. In spite of compliance with the orders passed by the competent authority, letter of appointment was not issued in favour of the petitioner and on the contrary somebody else has been appointed. Hence this application has been filed with the aforesaid prayer.

3. In their counter the opposite parties maintain that the part of the residence offered by the petitioner for functioning of the post office was not suitable in view of proximity from the nearest Maniabandh Post Office. Hence Opposite Party No.5 was appointed.

4. We have heard Mr.Deepak Mishra, learned counsel

for the petitioner and Mr. Aswini Kumar Mishra, learned Standing Counsel for the Central Government and Mr. P.V. Ramdas, learned counsel appearing for O.P. No. 5.

5. Decision regarding suitability of the accommodation of the post office lies completely within the discretion of the competent authority in the Postal Department. We cannot interfere with his discretion unless and until it is shown that out of malafide motives such a conclusion has been arrived at by the competent authority. There is no such allegation against the competent authority and therefore we do not find it just and expedient in the interest of justice to interfere with this matter. We find no merit in this petition which stands dismissed leaving the parties to bear their own cost.

MEMBER (ADMINISTRATIVE)

VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench, Cuttack
dated the 18.5.1993/ B.K.Sahoo