

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH;CUTTACK

Original Application No. 120 of 1990

Date of Decision 24. 4. 1992

Dilip Kumar Tripathy Applicant

Versus

Union of India & Others Respondents

For the applicant Mr.S.Kr.Sarangi,
Advocate

For the respondents Mr.A.K.Mishra,
Standing Counsel
(Central Government)

...

CORAM

HON'BLE MR.K.P.ACHARYA, VICE-CHAIRMAN

AND

HON'BLE MR.C.S.PANDEY, MEMBER (ADMINISTRATIVE)

...

1. Whether the reporters of local newspapers may be allowed to see the judgment ? Yes
2. To be referred to reporters or not ? *NO*
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes

...

(4)

JUDGMENT

K.P. ACHARYA, VICE-CHAIRMAN, In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to quash the order of termination of the ^{services of the} petitioner and he should be allowed to continue as Extra Departmental Delivery Agent of Mulagaon Branch Office and the petitioner should be adequately compensated for his illegal termination.

2. Shortly stated the case of the petitioner is that Shri Ramakrishna Pradhan who was ^aregular appointee as Branch Post Master of the Mulagaon Branch Office retired on superannuation and on 5.8.1987 OP No.3 who was then functioning as E.D.D.A was temporarily appointed to the post of Branch Post Master vice on retirement of Ramakrishna. After OP No.3 served as E.D.B.P.M. for some time he went on leave and the present petitioner acted as his substitute. After the process for regular selection for the post of EDBPM to the said post office was finalised the selected candidate having taken charge of the said post office as E.D.B.P.M., OP No.3 had necessarily to revert back to his former post of E.D.D.A. The present petitioner's services was necessarily terminated for which the petitioner feels aggrieved and prays to quash the impugned order.

3. In their counter the opposite parties maintain that there was no other alternative left for the opposite parties but to put OP No.3 to his former post and the present petitioner having discharged his duties as E.D.D.A. in the said post office as a mere substitute, he was bound to vacate in favour of OP No.3. Hence according to opposite

parties the case being devoid of merit is liable to be dismissed.

4. There is no appearance on the side of the petitioner. We have heard Mr.A.K.Mishra, learned Standing Counsel and with his assistance we have perused the averments of the pleadings of the parties and so also the relevant documents. After carefully going through the relevant documents and the pleadings of the parties we feel convinced that the petitioner out of his greed, seeks for quashing the impugned order as a **piece of ingratitude**. We are in complete agreement with the submission made by Mr.Mishra that the departmental authorities had no other option but to bring back OP NO.3 to his former post and consequently the petitioner had to vacate the said post and hence rightly the services of the petitioner were terminated.

5. In such circumstances we find no merit in this application which stands dismissed leaving the parties to bear their own cost.


MEMBER (ADMINISTRATIVE)


27.4.92.
VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench, Cuttack
dated the 24th April, 1992/Sahoo

