

2 (3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH CUTTACK

Original Application No. 181 of 1991

Date of Decision: 13.12.1993

Mahendra Kumar Sahoo

Applicant(s)

Versus

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? NO
2. Whether it be circulated to all the BENCHES  
of the Central Administrative Tribunals or not ? NO

----- *13 Dec 93*  
MEMBER (ADMINISTRATIVE)

13 Dec 93

*13/12/93*  
VICE-CHAIRMAN

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH CUTTACK**

Original Application No.181 of 1991

Date of Decision: 13.12.1993

**Mahendra Kumar Sahoo** **Applicant**

## Versus

Union of India & Others	Respondents
For the applicant	M/s.N.P.Choudhury R.P.Choudhury, Advocates
For the respondents	Mr.A.K.Mishra, Standing Counsel (Central)

C O R A M:

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

AND

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN)

## JUDGMENT

MR .K.P.ACHARYA, VICE-CHAIRMAN: In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to declare Annexure-2 null and void and to direct Opposite Party Nos. 3 and 4 not to disturb the petitioner from Godisahi Post Office, or in the alternative, to absorb the petitioner as E.D.Packer at Munduli Colony Post Office.

2. Shortly stated the case of the petitioner is that OP No.5, Shri Bansidhar Sahu was appointed permanently to the post of Extra Departmental Branch Post-master in Godisahi Post Office. He had to face a sessions trial under Section 307 IPC. Hence, he had been placed under suspension. The sessions' case has been disposed of, in

(S)

which OP No.5 has been acquitted. The petitioner apprehends that OP No.5 may again occupy the same job by re-instatement. Hence this application has been filed with the afore said prayer.

3. In their counter the opposite parties maintain that since OP No.5, has been acquitted by the Sessions Court, he is bound to be reinstated in to service, and, accordingly, the petitioner has to vacate the post in question. Therefore, the case being devoid of merit is liable to be dismissed.

4. We have heard Mr.N.P. Choudhury, learned counsel for the petitioner and Mr. Aswini Kumar Mishra, learned Standing Counsel.

5. In the averments finding place in the petition, it has been alternatively prayed that the case of the petitioner may be considered for the post of E.D. Packer in Munduli Colony Post Office without least affecting the merits of the case regarding the appointment to the post of E.D.B.P.M. Godisahi Post Office. So far as the claim of the petitioner for appointment to Godisahi Post Office is concerned, OP No.5 was admittedly appointed to the post of EDBPM, and by initiation of a Criminal Case under Section 307 of the IPC against OP No.5, he was placed under suspension. The fact that OP No.5 has been acquitted in the Sessions case is not disputed. There is no option left for the competent authority but to reinstate OP No.5 to the post in question, and consequently, the petitioner has to vacate the said post. In case, this has not been made

effective, it should be made effective by reinstating OP No.5 to the post of E.D.B.P.M., Godisahi Post Office and consequently, the petitioner must vacate the post in question.

6. So far as the alternate case putforward by the petitioner for appointment to the post of E.D. Packer of Munduli Colony Post Office is concerned, it was told to us by Mr. Aswini Kumar Mishra, learned Standing Counsel, on instruction, that the petitioner has, in the meanwhile been appointed as E.D. Packer of Munduli Colony Post Office. Therefore we find no reason to give any further direction <sup>in</sup> <sub>to</sub> this matter.

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

1. S. J. Sahoo  
MEMBER (ADMINISTRATIVE)  
13 Dec 93

K. G. Sahoo  
13/12/93  
VICE-CHAIRMAN

Central Administrative Tribunal  
Cuttack Bench Cuttack  
dated the 13.12.1993/B.K. Sahoo

