

7  
13  
CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

Original Application No. 19 of 1991

Date of Decision: 21.1.1993

Pravat Nayak

Applicant

Versus

Union of India & Others Respondents

For the applicant

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

For the respondents

Mr. Aswini Kumar Mishra,  
Standing Counsel  
(Central Government)

...

CORAM:

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

AND

THE HONOURABLE MR. S. R. ADIGE, 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

...

14

JUDGMENT

MR.K.P.ACHARYA, VICE-CHAIRMAN, In this application under Section 19 of the Administrative Tribunls Act,1985, the petitioner prays for a direction to quash the advertisement contained in Annexure-3 and a further direction be issued not to disturb the appointment of the petitioner.

2. Shortly stated the case of the petitioner is that he was selected for the post of Extra Departmental Mail Carrier of Damasahi Post Office and he ~~as~~ assumed charge of the post in question on 16.8.1990. On 6.2.1991, the services of the petitioner was terminated on the ground that one of his nearer relations is working in the same post office. Hence this application has been filed with the aforesaid prayer.

3. In their counter the opposite parties maintain that in accordance with the directives given by the D.G.P.T. to avoid appointment of a person who ~~has~~ a nearer relation working ~~which~~ in the same post office ~~/~~ **has to be** strictly observed and **therefore**, the services of the petitioner has been terminated because one of his ~~/~~ relation <sup>nearer</sup> is working in the same post office.

4. We have heard Mr.R.N.Naik, learned counsel for the petitioner and Mr.Aswini Kumar Mishra, learned Standing Counsel appearing for the Central Government.

5. Mr.Naik heavily pressed on us submitting that the directives of the D.G.P.T. is not mandatory, but it is merely a guideline and therefore order of termination under the law is bad, especially when no notice was given to the petitioner intimating the proposal of the authority to terminate his services. Hence according to Mr.Naik principles of natural

VN.

having violated, the order of termination should be quashed.

6. We have given our anxious consideration to the argument advanced at the Bar. We ~~fully~~ agree with the D.G.P.T. ~~regarding~~ the directions issued by him that a particular person appointed as E.D.D.A. or E.D.B.P.M. in any post office should not have any relation in that post office who is working earlier. If such practice is allowed to continue, one cannot but think of misusing or defalcation of Government money. Therefore rightly such a direction was issued. In such circumstances we ~~find~~ no illegality to have been committed by the competent authority in terminating the services of the petitioner, but, we feel that termination of the services of the petitioner is not due to any adverse report against the petitioner or it is not on the ground of lack of integrity and devotion <sup>to duty</sup> on the part of the petitioner. He was duly selected. Providence stood on ~~his~~ way just because one of his relations was already in service in that post office. Therefore, this is a fit case in which the name of the petitioner should be put in the waiting list and as and when vacancy occurs, the petitioner should be given an appointment in nearby post office.

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

On file 21.1.93  
MEMBER (ADMINISTRATIVE)

On file 21.1.93  
VICE-CHAIRMAN

Central Administrative Tribunal  
Cuttack Bench, Cuttack  
dated the 21.1.1993/B.K.Sahoo

