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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 280 of 1991.

Date of decision : November 14, 1991.

Ashok Kumar Mahakul and others ... Applicants.

Versus

Union of India and others ... Respondents.

For the applicants ... Mr. Pradipta Mohanty,
Advocate.

For the respondents ... Mr. Aswini Kumar Misra,
Sr. Standing Counsel (CAT)

C O R A M:

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

A N D

THE HONOURABLE MR. J. C. ROY, MEMBER (ADMINISTRATIVE)

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

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J U D G M E N T

K.P.ACHARYA,V.C., Shortly stated, the case of the applicants(three in number) is that each of them is aggrieved by the abolition of the posts of Extra-Departmental Night Watchmen as all the three of them were performing the duties of a Nightwatchman. Hence, this application has been filed with a prayer to give appropriate directions either not to abolish the post or accommodate them in some other equivalent posts so that the applicants would not be deprived of their bread and butter.

2. This case was admitted on 3.9.1991 and learned Single Judge directed issuance of notice to the respondents on the question of issuance of interim orders praying to stay operation of the order abolishing the posts

len.

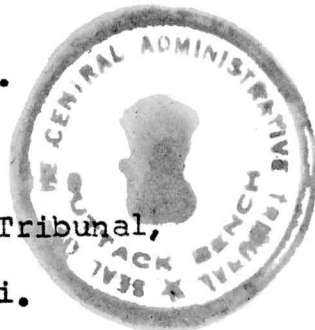
Mr. A.K. Misra, learned Senior Standing Counsel (CAT) has appeared for the respondents and has filed counter.

3. We have heard Mr. Pradipta Mohanty, learned counsel for the applicants and Mr. Aswini Kumar Misra, learned Senior Standing Counsel (CAT) for the respondents. Mr. Mohanty drew our attention to paragraph 4 of the counter wherein it is stated that applicant, Ashok Kumar Mohakul has been adjusted against a particular post and he has since joined the post on 20.9.1991. Applicant Gokul Charan Sethi has also been adjusted against a particular post though he has not joined. Shri Lachuman Majhi @ Lachhu Mohan Majhi, applicant No.3 has also been adjusted against a particular post and he has joined the said post on 31.8.1991. This fact was not disputed before us. It is now left to the choice of Gokul Charan Sethi as to whether he would join the post or not but the fact remains that all the three applicants have been appointed to certain posts. In such circumstances we are of opinion that neither of the applicant could have a legitimate grievance that they are deprived of their bread and butter. Mr. Pradipta Mohanty strenuously urged before us that the postings being at far distance places from the native village of the applicants they would not only suffer but there may be difficulties in regard to the Government work being smoothly discharged. We are not prepared to express any opinion on this aspect but so far as the present case is concerned no further relief could ever be granted to the applicants in view of their adjustment against different

posts. Incidentally it may be mentioned that the prayer of the applicants was that to adjust them in near about place and no further relief could be granted by us. However, keeping in view the above mentioned submission made by Mr. Pradipta Mohanty that no doubt the applicants would be facing difficulties but the Government work may suffer, we are of opinion that whenever any post is vacant in any near about villages of the applicants, the concerned Superintendent of Post Offices may consider the case of the applicants, on representation being made to post them in such Post Offices near about their own villages, if possible.

4. Thus, this application is accordingly disposed of leaving the parties to bear their own costs.

.....14.11.91.....
MEMBER (ADMINISTRATIVE)



.....14.11.91.....
VICE-CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
November 14, 1991/Sarangi.