

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No.140 of 1992

Date of Decision: 24.5.1993

Versus

Union of India & Others Respondents

For the applicant

M/s. N.P.Chowdhury
D.P.Dhalasamant
Rabi S.Chowdhury,
Advocates

For the respondents

Mr. Aswini Mishra
Standing Counsel
(Central Government)

C O R A M:

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

AND

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

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

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JUDGMENT

MR. K.P. ACHARYA, VICE-CHAIRMAN, In this application under Section 19 of the Administrative Tribunals Act, 1985, appointment of the petitioner has been terminated under Rule-6 which is sought to be quashed.

2. The petitioner was appointed as Extra Departmental Mail Carrier cum- Packer in Prajatrantra Sub Post Office which is at a very short distance from Chandini chowk Head Post Office. The petitioner was admittedly appointed as E.D. Mail Packer ~~to~~ ⁱⁿ the said post office and his services has been terminated under Rule-6.

3. In their counter it is stated that the petitioner does not belong to the area where the Prajatantra Sub Post Office is located. But, we find from Rule-4 (2) of the Chapter dealing with the method of recruitment which provides as follows :

"E.D. Mail Carriers, runners and Mail Peons should reside in the station of the main post office or stay wherefrom mails originate/terminate i.e. they should be permanent resident of the delivery jurisdiction of the post office".

Chandini Chowk Post Office is the Head Post Office and within a ~~far~~ long distance therefrom the Prajatantra Sub Post Office is located. Admittedly the petitioner is resident of Cuttack town within the Bidanasi area. Therefore, the case of the petitioner very much comes within the Sub Rule-2 quoted above. This view has already been taken by us in Original Application No.330 of 1991 disposed of on 22.1.1993

4. Therefore the termination order passed by OP No.4 is hereby quashed and it is directed that the petitioner be reinstated to service within 15 days from the date of

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receipt of a copy of this judgment. The petitioner shall not be entitled to any backwages.

5. This order is passed after hearing Mr.D.P. Dhalasamant, learned counsel for the petitioner and Mr A.K. Mishra, learned Standing Counsel.

6. Thus the case stands allowed leaving the parties to bear their own cost.

4/5/1993
MEMBER (ADMINISTRATIVE)

24-5-93
VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench, Cuttack
dated the 24.5.1993/ B.K. Sahoo

