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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

Original Application No. 514 of 1992

Date of Decision: 23.10.1992

Ananta Patra

Applicant

Versus

Union of India & Others

Respondents

For the applicant

Mr.s. Deepak Mishra,  
A. Deo,  
B. S. Tripathy,  
Advocates

For the respondents

Mr. Ashok Mishra,  
Sr. Standing Counsel  
(Central Government)

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C O R A M:

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

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1. Whether the reporters of local newspapers may be allowed to see the judgment ? Yes
2. To be referred to reporters or not ?
3. Whether His Lordship wishes to see the fair copy of the judgment ? Yes

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JUDGMENT

MR.K.P.ACHARYA, VICE-CHAIRMAN, In this original application the prayer of the petitioner is to quash the orders contained in Annexures 5 and 6 viz. the direction issued to the petitioner Shri Ananta Patra to vacate the quarter which he was occupying as Postal Assistant in Paradeep Phosphate Post Office.

2. Shortly stated the case of the petitioner is that he was functioning as the Postal Assistant of the Paradeep Phosphate Post Office for a certain period and was occupying a quarters earmarked for the Postal Assistant. Recently the petitioner has been transferred to Paradeep Port Trust Post Office and in the place of the petitioner Shri Radhashyam Behera has been posted as a Postal Assistant in the same post office. Shri Behera has joined his new place of posting. Naturally, the concerned authority gave notice to the petitioner Shri Ananta Patra to vacate the quarters which was under his occupation. Hence this application has been filed with the aforesaid prayer.

3. I have heard Mr.Deepak Mishra, learned counsel for the petitioner and Mr.Ashok Mishra, learned Senior Standing Counsel and Superintendent of Post Offices Shri Dash.

4. The facts are undisputed. The only ground on which Mr.Deepak Mishra argued vehemently is that by virtue of the circular issued by the Post Master General, Orissa, the petitioner is entitled to retain the quarters for a period of eight months from the date he hands over the charge and therefore the petitioner should not be asked to vacate the quarters in question. On the other hand Mr.Ashok Mishra, learned Standing Counsel submitted that all circulars issued

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on the administrative side are subject to the convenience of the employees and to be given effect to as far possible.

5. I have given my anxious consideration to the argument advanced at the Bar and I have also heard the petitioner Shri Ananta Patra and his successor Shri Radhashyam Behera. It was told to me that Shri Behera is travelling a distance of 50 kms. from his village home in order to join his duty, which was stiffly opposed and disputed by the petitioner. On the other hand the petitioner submitted that in case he vacates the quarters just now, it would seriously tell upon the studies of his children. Judging the case from all angles I direct that the petitioner Shri Ananta Patra would deliver vacant possession of the quarters in question to Shri Behera in the afternoon of 31.1.1993 as by then the examinations of the children of the petitioner would have come to an end. Even if the examinations would not have been finished, the petitioner must handover the vacant possession of the quarter by the date fixed failing which the consequence of law will follow against him.

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

23.10.92  
M.P.  
VICE-CHAIRMAN



Central Administrative Tribunal  
Cuttack Bench, Cuttack  
dated the 23rd October, 1992/BKSahoo