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J U D G M E N T

K.P.ACHARYA, V.C.

In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant prays for a direction to the respondents to pay to the applicant the monthly duty allowance from 1.9.1989 to 26.6.1992 with interest at the rate of 6 per cent per annum.

2. I had directed the Superintendent of Post Offices, Cuttack South Division (Mr. Sankar Prasad Das) to appear and assist the Court. Mr. Das has appeared. The Asst. Superintendent of Post Offices, Mr. Sankarsan Nayak is also present.

3. Heard Miss S.L. Patnaik, learned counsel for the applicant and Mr. Ashok Mishra, learned Senior Standing Counsel (Central) for the respondents. Miss Patnaik submitted that though the applicant has worked during the aforesaid period his pay and allowance as per his entitlement has not been disbursed to him. On the other hand, Mr. Ashok Mishra, learned Senior Standing Counsel (Central) on instructions from the Superintendent of Post Offices, Cuttack South Division (Mr. Das) submitted that the applicant was always avoiding to hand over charge of the Office of the Extra-Departmental Branch Post Master, Sidhal Branch Post Office and after the stay order was vacated by this Court, the applicant played hide and seek game with the departmental authorities and ultimately the applicant handed over charge on 26.6.1992. The allegation of the departmental authorities ~~ix~~ that the applicant was playing hide and seek game

was stiffly opposed by Miss. Patnaik. I do not want to

express any opinion on this issue. The limited prayer is for disbursement of the salary. The Superintendent of Post Offices, Mr. Das<sup>Shri</sup> that the applicant had not worked in the Post Office and had placed a substitute. Mr. Das further submitted that according to Rules, a substitute is entitled to payment. Whatever it may be, the Superintendent of Post Offices, Shri Sankar Prasad Das may investigate into the matter and peruse all necessary papers in this regard and if he is convinced that the applicant had physically worked in the Post Office, the applicant should be paid his allowance as admissible under the Rules for the services rendered by him. In case, the Superintendent of Post Offices comes to the conclusion that the applicant had not physically worked then it remains open to the Superintendent of Post Offices to pass necessary orders according to law. I expect that Mr. Das, the Superintendent of Post Offices, Cuttack South Division, would pass a reasoned order. The applicant is directed to submit a written representation before the Superintendent of Post Offices (Mr. S. P. Das) by 15.12.1992 stating all the details and the documentary evidence on the basis of which the applicant contends that he had physically worked in the Post Offices. In case, the representation is not filed by 15.12.1992, this order becomes ineffective. The question of grant of interest to the applicant does not arise. The prayer of the applicant on this count stands dismissed.

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

*[Signature]*  
1.12.92  
.....  
Vice-Chairman

Central Administrative Tribunal,  
Cuttack Bench, Cuttack.  
December 1, 1992/Sarangi.

