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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 612 OF 1992
Cuttack this the 14th day of December, 1999

Jagannath Sethi

Applicant(s)

-Versus-

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? *Yes*.
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? *No*.

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN

14-12-99
(G. NARASTHMAM)
MEMBER (JUDICIAL)



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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.612 OF 1992
Cuttack this the 14th day of December, 1999

CORAM:

THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND
THE HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)

Jagannath Sethi, aged about 31 years
Son of Late Ganapati Sethi,
At: Uppalpati, PO: Gopalpur
PS: Chhatrapur, Berhampur
Dist: Ganjam

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Applicants

By the Advocates : Mr.A.Deo

-Versus-

1. Union of India, represented by its Secretary, Department of Posts, Dak Bhawan, New Delhi
2. Chief Post Master General, Orissa Circle, At/Po: Bhubaneswar, District : Puri
3. Post Master General, Berhampur Division, At/Po: Berhampur, District: Ganjam
4. Senior Superintendent of Post Offices, At/Po: Berhampur, District: Ganjam
5. Sub-Divisional Inspector (Postal)
Berhampur South Division, At/Po: Berhampur-760004,
Dist: Ganjam
6. Sri Laxman Mohanty, Son of Late Trinath Mohanty, At: Uppalpati, PO: Gopalpur, PS: Chhatrapur, Berhampur,
Dist: Ganjam

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Respondents

By the Advocates : Mr.B.Das,
Addl. Standing Counsel
(Central)

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ORDER

MR.G.NARASIMHAM, MEMBER(JUDICIAL): In this application praying for quashing the order appointing Respondent No.6, Laxman Mohanty as E.D.D.A/M.C. of Uppalpati, the case of the applicant is that as the original incumbent Debendra Kumar Nayak was placed under put off duty on the allegation of misappropriation, he was appointed in that post on provisional basis after his name along with others was sponsored from the Employment Exchange. He took over the charge on 6.10.1990. However, all on a sudden in order dated 26.11.1992 (Annexure-1), Respondent 6 was appointed and his services have been terminated, without any rhyme or reason.

Respondent No.6, though duly noticed had not entered appearance.

2. The Department in their counter take the stand that the applicant was provisionally appointed till regular appointment is made, because the original incumbent D.K.Nayak tendered resignation with effect from 6.10.1990. In the provisional order of appointment the applicant was given to understand that his appointment would be terminated at any time without notice and that he should have no claim for appointment to any post in future. Since issue of compassionate appointment of Res.6, Laxman Mohanty, son of Late Trinath Mohanty, Ex.EDDA/MC of that office was under consideration, there was direction not to fill up the post on regular basis if vacant, until disposal of case of compassionate appointment of Res.6. Ultimately, the Chief Post Master General agreed to appoint Rs.6 on compassionate ground against that vacancy and accordingly Res.6 was appointed



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under Annexure-6 after terminating the provisional appointment of the applicant.

No rejoinder has been filed.

3. None appeared for the applicant at the time of hearing. Therefore, we have heard Shri B.Das, learned Addl. Standing Counsel appearing for the respondents. Also perused the records.

Admittedly by ^{the} time appointment of Res.6 was made, applicant had not completed three years of provisional service. Hence under Rule-6 of the E.D.D.A.(Conduct & Service) Rules, such appointment is liable to be terminated at any time. It is not the case that he was not paid one month's emolument as required under that rule at the time of termination, in case he was not issued with notice of termination one month in advance. In fact he has not enclosed the order of termination as an Annexure. We do not see any illegality or irregularity in termination of appointment of the applicant.

4. In the result, we do not see any merit in this application which is accordingly dismissed, but without any order as to costs.

Somnath Som
(SOMNATH SOM)
Vice-Chairman
M.A.99

B.K. SAHOO



14.12.55
(G. NARASIMHAM)
MEMBER (JUDICIAL)