

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

Original Application No.618 of 1992

Date of Decision: 23.2.1993

Harekrushna Barik

Applicant

Versus

Union of India & Others

Respondents

For the applicant:

M/s. G. N. Mohapatra,
S. Mohanty
P. K. Sahoo,
Advocates

For the respondents:

Mr. Ashok Mishra,
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 ? No
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 application under Section 19 of the Administrative Tribunals Act,1985, the petitioner prays for a direction to the opposite party nos. 1 and 2 to regularise his services as Extra Departmental Delivery Agent cum Extra Departmental Mail Carrier in any post office.

2. Shortly stated the case of the petitioner is that he was serving as an Extra Departmental Delivery Agent cum Extra Departmental Mail Carrier in Panikoili Post Office from 12.2.1987 till to-day. The Chief Post Master General appointed one Shri Arjun Charan Behera on compassionate ground thereby asking the petitioner to vacate the post in question. Hence this application has been filed with the aforesaid prayer.

3. In their counter the opposite parties maintain that the petitioner had worked in the said post office from 12.2.1987 to 26.10.1990 and thereafter Shri Arjun Charan Behera has taken charge of the post in question; and it is further maintained that this Court has already approved the action taken by the Chief Post Master General in appointing Shri Arjun Charan Behera on compassionate grounds in Original Application No.437 of 1990. Therefore this case being devoid of merit is liable to be dismissed.

4. This case came up for admission and hearing. With the consent given by the counsel for both sides, I have heard the case on merit. I have heard Mr.G.N.Mohapatra, learned counsel for the petitioner and Mr.Ashok Mishra, learned Standing Counsel. I do not want to enter into a robbing enquiry as to whether the petitioner was in service from from 12.2.1987 to 26.10.1990 or is serving till to-day.

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The fact remains that the petitioner has served as E.D.M.C. for a quite long period in the said post office and to his misfortune an appointment was rightly made by the Chief Post Master General for which the petitioner has been asked to vacate the post in question.

5. Irrespective of the facts as to whether the petitioner is still continuing or has vacated the post with effect from 26.10.1990, the petitioner is now bound to vacate the post in favour of Shri Arjun Charan Behera who has received the compassionate appointment. Here is a very hard case which needs utmost sympathy of the Chief Post Master General and the Superintendent of Post Offices. The petitioner had a sincere and bonafide expectation that his plate of rice would remain with him till he attains the age of superannuation, but order of the Chief Post Master General (which was rightly passed) stood on his way. Therefore, I would strongly commend to the Chief Post Master General and the concerned Superintendent of Post Offices to sympathetically consider the case of the petitioner and give him ^{an} appointment to the post of Extra Departmental Delivery Agent cum Extra Departmental Mail Carrier in anyother nearby post office, if there is a vacancy. In case there is no vacancy at present, any vacancy arising in future, should go to the petitioner and I am sure the Chief Post Master General would comply with the request of this Court. The petitioner would file a representation before the C.P.M.G. within one month praying for his appointment. Thus the application is accordingly disposed of. No cost.

On 23.2.93
23.2.93
VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench, Cuttack
dated the 23.2.1993/B.K.Sahoo