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Central Administrative Tribunal,  
Cuttack Bench, Cutta<sub>C</sub>ck

Original Application No. 669 of 1992

Date of decision: January 25, 1993.

Ajit Kumar Patra .... Petitioner

Versus

Union of India and others .... Opp. Parties.

For the Petitioner .... M/s. R. B. Mohapatra,  
D. Rath, Advocates.

For the Opp. Parties .... Mr. Ashok Misra, Sr. St.  
Counsel (Central).

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CORAM:

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

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

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JUDGMENT

K.P. ACHARYA, V.C.

In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioner prays for a direction to the Opposite Parties to appoint the Petitioner as Extra Departmental Branch Postmaster of either at Chakeshab Branch Post Office or or any other Branch Post Office under Kamarda and Jaleswar Sub Office.

2. The petitioner had served as Extra Departmental Branch Post Master for some time in Putina Post Office against the post of a Permanent incumbent who was put off from duty. Subsequently, the permanent incumbent namely Siba Prasad Patra was reinstated to the post in question and thereafter the petitioner vacated the post. Some time thereafter, unfortunately, Siba Prasad Patra died and the petitioner was temporarily appointed in the said post. Apprehending that somebody else will be appointed in that post, the petitioner ~~was~~ filed an Original Application No. 417 of 1990 with a prayer to direct the Opposite Parties in Original Application No. 427 of 1990 to appoint the petitioner in Putina Branch Post Office. After the death of Siba Prasad, the Chief Postmaster General had ordered appointment of the son of Siba Prasad on compassionate ground. Hence this Bench did not interfere with the order of the Chief Post Master General. Hence the services of the petitioner was terminated. Therefore, this application has been filed with the aforesaid prayer.

J.P.

3. The Assistant Superintendent of Post Offices, Shri K.B.Rath and the S.D.I., Jaleswar Sanatan Modi are present. The Asst. Superintendent of Post Offices, Mr.Rath, told to me that the Post of E.D.B.P.M., Chakesaba Branch Post Office has been filledup. The Assistant Supdt. of Post Offices, had offered two or three posts and thepetitioner declined to accept any such post because of the distance from his house. It was told to me that in Putina or Kachadia branch post office the post of Extra Departmental Branch Post Master will ~~feel~~ vacant shortly. Whenever such vacancy arises, the Asst. Supdt. of Post Offices assures me for appointment of the petitioner in such post offices. provided that the petitioner gives a house for functioning of ~~such~~ post Office. This order is passed

4. With the consent given by the learned ~~es~~ counsel for both sides this case was taken up for hearing and orders are passed after hearing from Mr. R.B.Mohapatra learned Counsel appearing for the petitioner and Mr.Ashok Misra learned Senior Standing Counsel(Central).

5. Thus, the application is accordingly disposed of. No costs.

*25/1/93*  
25/1/93

Vice-Chairman

Central Administrative Tribunal,  
Cuttack Bench, Cuttack/K. Mohanty/  
25.1.1993.

