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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

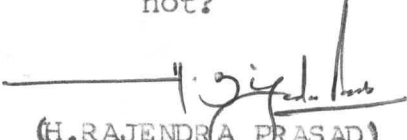
ORIGINAL APPLICATION NO: 229 OF 1993


Date of decision: 18th June, 1993

Shri Kuntamani Khamari ... Applicant  
Versus  
Union of India and others ... Respondents

(For Instructions)

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

  
(H. RAJENDRA PRASAD)  
MEMBER (ADMIN.) 18/6/93.

  
(K.P. ACHARYA)  
VICE-CHAIRMAN

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 order passed by the Postmaster General, Sambalpur terminating the services of the Petitioner Shri Kuntamani Khamari is under challenge. Shri Kuntamani Khamari was appointed as Extra Departmental Branch Post Master of Udiapali Branch Post Office within the district of Bolangir, and he joined the post on 20th June, 1992. Subsequently while reviewing the case, the Postmaster General Sambalpur Region terminated the services of the Petitioner for which the petitioner feels aggrieved and this application has been filed with the aforesaid prayer.

2. In their counter, the Opposite Parties maintained that the address given in the School leaving certificate of Jitamitra High School, Komna it is mentioned that the address of the Petitioner is Mahulbhala Komna, Kalahandi. Since the Petitioner does not belong to the post village, his services was terminated by the Postmaster General, Sambalpur. It is therefore, maintained by the Opposite Parties that the termination order should not be unsettled - rather it should be sustained.

3. We have heard Mr. Deepak Misra learned counsel appearing for the Petitioner and Mr. Ashok Misra learned Senior Standing Counsel (Central) for the Opposite Parties at a considerable length. Mr. Ashok Misra learned Standing counsel (Central) invited our attention to Annexure R/10 wherein address of the petitioner has been given as Mahulbhala Komna Kalahandi. Similarly Mr. Deepak Misra learned counsel appearing for the petitioner invited our attention to the certificate granted by the Tahasildar, which is in exercise of his judicial powers, that the petitioner Kuntamani Khamari is a permanent resident of Udiapali. The termination order is dated 22.4.93. The certificate has been granted on 24th September, 1992 whereas the termination order has been passed on 22nd April, 1993. The Tahasildar was again requested to certify the correctness of the certificate granted by him regarding the permanent residence of the Petitioner and vide Annexure R/11 dated 23rd December, 1992, the Tahasildar, Patnagarh confirmed that the petitioner belongs to post village of Udiapli and the certificate granted to the above effect earlier on 24th September, 1992 is correct. There was no dispute presented before us that the Postmaster General Sambalpur before passing the order contained in Annexure R/13 terminating the services of the petitioner had taken into consideration all these documents. One

does not lack in experience that there are very many students who though belong to a particular village studying in different schools in different villages within different districts. In their counter, the Opposite Parties maintained that the petitioner was a domesticated son-in-law of a particular person in village Dundiapali and therefore, it cannot but be said that now the petitioner is a permanent resident of village Gundiapali. Therefore, we are of opinion perhaps the Postmaster General has not considered all these aspects and therefore, we are unable to sustain the order terminating the services of the petitioner. Hence it is set aside and since the petitioner is continuing in the said post, due to interim order, issued, it is directed that the petitioner should be allowed to continue.

4. Thus, the application stands allowed leaving the particulars to bear their own costs.

  
MEMBER (ADMINISTRATIVE)

18.6.93.

  
VICE CHAIRMAN

Central Administrative Tribunal,  
Cuttack Bench, Cuttack/K. Mohanty/  
18.6.93