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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO; 140 OF 1994

Date of decision: March 22, 1994.

Banamali Sahu ... ... Applicant  
Versus  
Union of India & Others ... ... Respondents

(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters or not? *AN*
2. Whether it be circulated to all the Benches of the *AN* Central Administrative Tribunal or not?

*AN 223/94.*  
(K.P. ACHARYA)  
VICE CHAIRMAN

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Banamali Sahu	...	...	Applicant
		Versus	
Union of India & Others...	...	...	Respondents
For the Applicant	...	Mr. Deepak Misra, A. Deo, B. S. Tripathy, P. Panda, D. K. Sahu, Advocates.	
For the Respondents	...	Mr. U. B. Mohapatra, Additional Standing Counsel (Central)	
	....		

CORAM:

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

JUDGMENT

K. P. ACHARYA, V. C.

In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to quash the order contained in Annexure 3 dated 9.3. 1994 recalling the suspension order passed against Shri Bhimsen Panda, suspended while performing the duties of EDDA, Nalaghata Branch Post Office.

2. Shortly stated the case of the petitioner is that after Shri Bhimsen Panda was put off from duty while functioning as EDDA of the said Post office, Petitioner Shri Banamali Sahu vide Annexure -1 dated 11.6.1993 was appointed to act in place of Shri Bhimsen Panda provisionally. Vide order dated 9th March, 1994 contained in Annexure-3, the put off duty, passed against Shri Bhimsen Panda, having been withdrawn, Bhimsen ~~is~~ has bound to join <sup>u</sup> his duty and consequently Petitioner <sup>l</sup> Shri Banamali Sahu had to vacate the said post. Hence



this application has been filed with the aforesaid prayer.

3. Though the case came up for admission today, I did not think it worthwhile to keep such a petty matter pending and therefore, with the consent given by counsel for both sides, I have heard this case, on merit.

4. I have heard Mr. B. S. Tripathy learned counsel for the Petitioner and Mr. Uma Ballav Mohapatra learned Additional Standing Counsel (Central).

5. The disciplinary authority always enjoys the right to recall the suspension order. Courts have no right to interfere in such order unless the impugned order is manifestly perverse. Therefore, I do not deem it fit and proper to interfere with the impugned order contained in Annexure-3 which is therefore, sustained.

6. So far as the present Petitioner Shri Banamali Sahu is concerned, he has worked as EDDA of the said post office since June, 1993. It is unfortunate that Banamali is being deprived of the Post but it is according to law. Therefore, I would direct that in case the post in question, never goes vacant, then Banamali having served in the post, should be given preference for his appointment. In case there is vacancy in any nearby post office case of Banamali be considered sympathetically alongwith others. Due weightage be given



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to his experience gained by him while adjudging suitability of different candidates.

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

*22-3-94*  
.....  
VICE CHAIRMAN

Central Administrative Tribunal,  
Cuttack Bench/K. Mohanty/22.3.94.

