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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO: 249 OF 1994

Date of decision: May 6 , 1994

Purushottam Swain	...	Applicant
Versus		
Union of India & Others	...	Respondents

(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters or not? NO
2. Whether it be circulated to all the Benches of the CA Central Administrative Tribunals or not?

  
(H. RAJENDRA PRASAD)

MEMBER (ADMINISTRATIVE)

  
(K. P. ACHARYA)  
VICE CHAIRMAN

06 MAY 94

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CUTTACK BENCH : CUTTACK.

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Purusbottam Swain ... Applicant

## Versus

Union of India & Others ... Respondents

For the Applicant ... Mr. S. K. Mohanty, Miss. S. Mohanty, Advocates.

For the Respondents ... Mr. Akshya Ku. Mishra, Addl. St. Counsel (Central)

**GORAM:**

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

and

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

JUDGMENT

K.P. ACHARYA, V.C. This case came up for admission today. With the consent given by counsel for both sides, we have heard this case on merit and we propose to finally dispose of it because keeping the matter unnecessarily pending would not be beneficial to the interest of either parties.

2. Shorn of unnecessary details, it would suffice to say that one Shri Krupasindhu Mantri had been appointed as Extra Departmental Delivery Agent of Billipada Branch Post Office . On certain allegations, Krupasindhu was put off from duty and ultimately removed from service. In his place vide Annexure-1 dated 23 rd January, 1991, the present Petitioner Shri Purusottam Swain was asked to work temporarily. The order of removal

of Krupasindhu from service was set aside and ultimately Krupasindhu was ordered to be reinstated into service. Consequently, the present petitioner Shri Purusottam had to vacate the office in question. Purusottam, the present petitioner was directed to hand over charge to Krupasindhu. Hence this application has been filed with a prayer to quash Annexure-2.

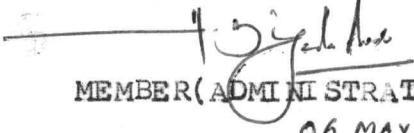
3. We have heard Mr. A.K. Mohanty learned counsel appearing for the petitioner and Mr. Akshya Kumar Mishra learned Additional Standing Counsel(Central). We do not feel inclined to quash Annexure-2 because appointment of the petitioner Purusottam was a temporary arrangement. Krupasindhu having been reinstated into service, necessarily Purusottam had to vacate the said post. Therefore, the competent authority had rightly ordered purusottam to hand over the charge to Krupasindhu: <sup>by</sup> Therefore, Annexure-2 is hereby sustained.

4. It was told to us by Mr. Mohanty learned counsel appearing for the petitioner and Mr. Akshya Kumar Mishra learned Additional Standing Counsel(Central) that a post of EDDA cum EDMC was offered to Purusottam in Nuagaon Post office under Banki. Purusottam was said to have refused to accept the post. Now Mr. Mohanty learned counsel appearing for the petitioner tells us that Purusottam is willing to join the said post. He may make a representation before the competent authority who would consider the same and pass necessary orders

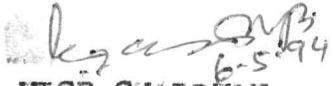
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according to law.

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

  
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MEMBER (ADMINISTRATIVE)

06 MAY 94.

  
6-5-94  
VICE CHAIRMAN

Central Administrative Tribunal,  
Cuttack Bench/K. Mohanty 6.5.94.