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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH CUTTACK

Original Application No. 282 of 1994

Date of Decision: 21.6.1994

Bhabagrahi Mohanty

Applicant(s)

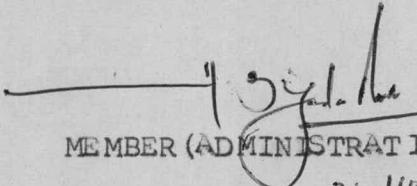
Versus

Union of India & Others

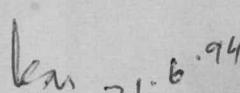
Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? ✓
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not ? ✓

  
MEMBER (ADMINISTRATIVE)

21 JUN 94

  
VICE-CHAIRMAN

21.6.94

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH CUTTACK**

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## Versus

Union of India & Others Respondents

For the applicant

M/s.G.K.Mishra,  
G.Mishra,B.K.Ray  
K.Swain,B.K.Misra  
M.Bisoi,Advocates

For the respondents 1 to 4

Mr.U.B.Mohapatra,  
Standing Counsel (Central)

For the respondent 5

Mr.  
Advocate

C O R A M:

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

AND

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

JUDGMENT

MR .K.PACHARYA,PRVICE, MECHAIRMAN: In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner prays that order of the authority directing termination of services of the petitioner contained in Annexure-4 be quashed.

2. Shortly stated the case of the petitioner is that he feels aggrieved by the judgment passed by this Bench in O.A. No. 285/91 disposed of on 31.1.1994. Shri Damador Routray was an applicant for the post of E.D.B.P.M., Sankhameri in Athagarh Sub-division. Vacancy arose due to the resignation of the incumbent Shri Mayadhar Mohanty. Damodar was duly selected and appointed to the post in question. Maheswar Mohanty, a rival candidate for the said post challenged the

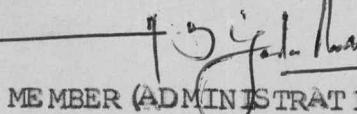
appointment of Damodar before the High Court of Orissa forming subject matter of O.J.C. No.997/80 on the ground that Damodar did not belong to the post village. Pursuant to the orders passed in T.A.113/86, services of Damodar was terminated for which a review application was filed by Shri Damodar and it was also dismissed by this Bench. The matter was carried in appeal to the Hon'ble Supreme Court forming SLP No.381 of 1988 and an interim order was passed by the Supreme Court directing the respondents not to fill up the post until disposal of SLP. On 8.8.1988, the Supreme Court set aside the judgment of this Bench passed in OA 136/80 and R.A. and remitted the case for disposal on merits after taking into consideration the additional documents. While the matter stood thus, Maheswar Mohanty sought permission to withdraw the case and the same was allowed. Thereupon the petitioner, viz. Shri Damodar OP NO.5 approached the Superintendent of Post Offices to join the post which was earlier held by him and to which he was duly selected. The Superintendent was of opinion that a specific order should be obtained from the Tribunal. Thereafter Damodar filed a Misapplication bearing No.158/91 praying for a direction to be issued to the Superintendent of Post Offices. On 9.5.91, the Bench dismissed the Misc. application as not being maintainable and Damodar, if so advised, may file a representation before the competent authority for redressal of his grievance. In OA 285/91, Damodar prayed for a direction to be issued to the Superintendent of Post Offices, Cuttack Division to

reinstate him as EDBPM, Sankhamari, as Shri Maheswar Mohanty  
 who  
 was the petitioner in Transferred Application No.113/86  
 have withdrawn his case. Ultimately after hearing parties  
 and after assigning certain reasons, the Bench directed if  
 the Superintendent of Post Offices is satisfied on the basis  
 of the outcome of his enquiry that Shri Damodar Routray  
 belongs to post village, he should straightway reappointment  
 Shri Routray as EDBPM, Sankhamari and in case of his  
 re-appointment, Shri Routray will be entitled to backwages  
 from the date of termination of his services to the date  
 of his reappointment and in case of his reappointment,  
 Shri Bhabagahi Mohanty (who is the petitioner in the present  
 case) who was provisionally appointed to function as EDBPM  
 Sankhamari and has been functioning as such for the said  
 post for several years should be appointed as EDBPM in the  
 next available vacancy within the Division keeping in view  
 the latest departmental instructions on the subject.

3. In compliance with this judgment, Damodar was  
 asked to take overcharge and petitioner, Shri Bhabagahi  
 Mohanty was asked to vacate and there has been specific  
 order by the Superintendent of Post Offices that in case  
 a vacancy occurs in near future, Bhabagahi will be  
 appointed to the said post. In such a situation we do not  
 think it worthwhile to pass any further orders, but we  
 would direct the concerned Superintendent of Post Offices  
 that the directions given in the judgment passed in  
 O.A.285/91 disposed of on 31.1.1994 be implemented  
 to the extent that Damodar should be given charge of  
 Sankhamari Post Office and that Shri Bhabagahi, petitioner

in O.A.No.282/94 should deliver charge of Sankhamari Post Office to Shri Damodar and furthermore the Superintendent must ensure that the first available vacancy within his jurisdiction should go to Shri Bhabagrahi.

4. This order is passed after hearing <sup>H.</sup> G.K.Mishra, learned counsel for the petitioner, Mr.DK Patnaik, learned counsel appearing for OP No.5 (Shri Damodar Routray) and Mr.U.B.Mohapatra, learned Standing Counsel appearing for the Central Government. Thus the application is accordingly disposed of. No costs.

  
MEMBER (ADMINISTRATIVE)

21 JUN 94

  
21-6-94  
VICE-CHAIRMAN

Central Administrative Tribunal  
Cuttack Bench Cuttack  
dated the 21.6.1994/ B.K.Sahoo