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CENTRAL ADMINISTRATIVE TRIBUNAL,

CUTTACK BENCH, CUTTACK.

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ORIGINAL APPLICATION NO. 374 OF 1994

Cuttack, this the 15th day of February, 2000

Smt. Bidyutlata Panda Applicant

Vrs.

Union of India and others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not? 45.
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? 20.

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN

G. Narasimham
(G. NARASIMHAM)
MEMBER (JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 374 OF 1994
Cuttack, this the 15th day of February, 2000

CORAM:

HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND
HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)

.....
Bidyutlata Panda, aged about 24 years, wife of Prasant
Kumar Mohapatra, At/PO-Chakapada, District-Khurda
.....
Applicant

Advocates for applicant - M/s A.Deo, B.S.Tripathy,
P.Panda and D.K.Sahoo.

Vrs.

1. Union of India, represented by its Secretary in the Ministry of Communication, Department of Posts, Dak Bhawan, New Delhi.
2. Chief Post Master General, Orissa Circle, Bhubaneswar, District-Khurda.
3. Senior Superintendent of Post Offices, Puri Division, Puri.
4. Assistant Superintendent of Post Offices, In charge Khurda Sub-Division, Khurda, District-Khurda.

....

Respondents

Biranchi Behera, son of Artabandhu Behera, At/PO-Chakapada,
Dist.Khurda
Intervenor.
(MA 610/94)

Advocates for respondents - Mr.A.K.Bose
Sr.C.G.S.C.
&
Mr.D.P.Dhalsamant for
Intervenor (MA 610/94)

ORDER
(ORAL)

G.NARASIMHAM, MEMBER(JUDICIAL)

Heard Shri B.S.Tripathy, the learned counsel for the petitioner and Shri A.K.Bose, the learned Senior Standing Counsel for the respondents. Also heard Shri D.P.Dhalsamant, the learned counsel appearing for intervenor in MA No. 610/94.

2. The applicant, who was selected and appointed as EDBPM of Chakapada Branch Post Office, was noticed under Annexure-2 dated 6.6.1994 to show cause why

her services shall not be terminated under Rule 6 of ED Agents (Conduct & Service) Rules, 1964 on the ground that though she was not a permanent resident of the post village the applicant submitted a certificate stating that she belonged to that village. At that stage the applicant preferred this Original Application and on 24.6.1994 this Application was admitted and the Department was restrained from terminating the services of the petitioner and that restraint order is still in force.

3. After hearing both sides we feel this Original Application is premature. It is however submitted by the learned counsel for the petitioner Shri Tripathy that since the applicant had filed this OA and got the restraint order she did not file any showcause in response to Annexure-2. We are inclined to permit the applicant to file showcause within thirty days from today whereupon respondent no.3 will consider that showcause keeping in view the amendment of the rules dispensing with the requirement of place of residence and dispose of the showcause through a speaking order within sixty days from the date of receipt of the showcause. Till then the applicant shall continue.

4. Before closing we may say that MA No.610 of 1994 filed by Biranchi Behera to be impleaded as intervenor is without any merit and accordingly rejected.

5. With the above observation and direction the Original Application is disposed of. No costs.

(SOMNATH SOM)

VICE-CHAIRMAN

(G.NARASIMHAM)

MEMBER (JUDICIAL)