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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH; CUTTACK.

ORIGINAL APPLICATION NO. 571 OF 1994.

Cuttack, this the 28th day of March, 2000.

RADHAKRUSHNA JENA.

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APPLICANT.

VRS.

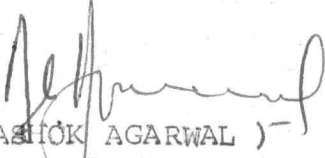
UNION OF INDIA & ORS.


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RESPONDENTS.

FOR INSTRUCTIONS.

1. Whether it be referred to the reporters or not? Yes.
2. Whether it be circulated to all the Benches of the
CAT or not? NO.


(ASHOK AGARWAL)
CHAIRMAN


(SOMNATH SONI)
VICE-CHAIRMAN
28.3.2000

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 571 OF 1994.

Cuttack, this the 28th day of March, 2000.

CORAM:

THE HONOURABLE MR. JUSTICE ASHOK AGARWAL, CHAIRMAN

AND

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN.

Radhakrushna Jena, Aged about 53 years,
S/o. Upendranath Jena, Postmaster,
Bhadrak Head Post Office (On leave),
A/P.O. Bhadrak.

Applicant.

By legal practitioner : M/s. A. Deo, B. S. Tripathy, P. Panda,
D. K. Sahoo, Advocates.

-Vrs.-

- S. Som*
1. Union of India represented through its Secretary in the Department of Posts, Dak Bhawan, New Delhi.
 2. Chief Postmaster General, Orissa Circle, Bhubaneswar, Dist. Khurda.
 3. Supdt. of Post Offices, Bhadrak Division, Bhadrak.
 4. Shri Kanhu Charan Rout, Aged about 58 years, Working as Postmaster, Bhadrak Head Post Office, Bhadrak.

Respondents.

By legal practitioner: Mr. A. K. Bose, Sr. Standing Counsel.

O R D E R

MR. SOMNATH SOM, VICE -CHAIRMAN:

In this Original Application under section 19 of the Administrative Tribunals Act, 1985, applicant has prayed for a direction for quashing the order dated 19.9.1994 at Annexure-5 in which Respondent No.5, SPM, Charampa has been posted as Postmaster, Bhadrak in HSG -I cadre on adhoc and temporary basis and the existing adhoc arrangement, according to which, the applicant was working on adhoc basis in the post of Postmaster, Bhadrak was terminated with effect from the date of joining of Res.No.4 to that post.

2. Applicant's case is that he was posted as Postmaster, Bhadrak to officiate in that post on the retirement of the regular incumbent Shri B.Majhi. He joined the post on 31.3.1993. He has stated that the applicant was promoted to the higher HSG cadre w.e.f. 1.3.1989. He has stated that the gradation list which is at Annexure-4 shows that in the HSG cadre which is one level below the applicant is senior to Res.No.4. Applicant has stated that the post of postmaster, Bhadrak is in still higher grade i.e. HSG-I and even though there was no complaint against him, suddenly, Res.No.4 has been posted to that post and the adhoc arrangement according to which, the applicant ^{was} holding that post was terminated. In the context of the above facts, the applicant has come up in this Original Application with the prayers referred to earlier.

3. In their counter, the Respondents have stated that originally applicant was Assistant Postmaster, Accounts, Bhadrak. He opted for the general line and got promoted to HSG II cadre w.e.f. 1.10.1991. The Post of Postmaster Bhadrak is in higher level of HSG I. The existing incumbent, B. Majhi retired on superannuation on 31.3.1993 and therefore, it was ordered that the applicant who was working in that office as Sr. most HSG II should ^{work in that post} ~~work in that post~~ on adhoc basis. Thereafter, inadvertently he continued for long period and during internal check Inspection of that office, it was pointed out by the Sr. Accounts Officer that even though he is continuing on adhoc basis for more than one year, the Circle Office has not approved such arrangement. It was pointed out in the Audit para that as per the Departmental instructions the adhoc appointment would automatically cease on expiry of one year. On the basis of the Audit objection, question of making alternative arrangement for the post was taken up and willingness was called and it was stated that Res. No. 4 who was seniormost willing official and also belong to HSG II cadre was appointed to the post of Postmaster, Bhadrak on adhoc and temporary basis in the order at Annexure-5 terminating the adhoc appointment of the applicant who was holding the post. Respondents have made further averments with regard to certain lapses and deficiencies in the adhoc appointment while he was working on adhoc basis in the post of Postmaster, Bhadrak and in the context of the above facts, the Respondents have opposed the prayer of the applicant.

4. When the matter was called learned counsel for the applicant was absent. As this is a 1994 matter we have heard Mr. A.K. Bose, learned Sr. Standing Counsel appearing for the Respondents and have also perused the records. We are disposing of the matter under Rule-15 of the CAT(Procedure) Rules, considering the merits of the matter.

5. Applicant has stated that in HSG cadre he is senior to the Respondent No.4. In support of which he has enclosed the gradation list at Annexure-4. In the gradation list name of Res.No.4 appears against Sl.No.3 whereas applicant's name appears at Sl.No.1. But from Col.No.6 relating to the date of substantive entry in the present grade it appears that Res.No.4's appointment in the LSG supervisory Grade is 1.3.1963 whereas applicant's appointment is 29.10.1969. In any case in the present dispute we are concerned with regard to the seniority position in the grade of HSG II. Applicant has made no averments that in that level of HSG II, he is senior to Res.No.4. Departmental Respondents have mentioned that as adhoc appointment automatically ceases after one year, they had called for willingness of all the persons in the Division and the seniormost willing officer was Res.No.4 and accordingly, he was appointed. As the applicant has not stated specifically that in the cadre of HSG II he is senior to Res.No.4 and as the Departmental Authorities have specifically averred that amongst the willing person, Res.No.4 is seniormost we find no illegality in the order at Annexure-5 giving adhoc appointment to the seniormost willing person.


J. Sam.

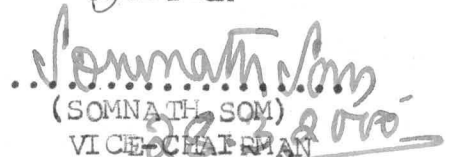
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6. Departmental Respondents in their counter have mentioned several lapses and deficiencies in the working of the applicant while he was working as Postmaster on adhoc basis. It is not necessary to go into details of these lapses. It is only required to be noted that the applicant was working as Postmaster, Bhadrak only on adhoc basis. If any deficiency was noted during the working of the petitioner, it is always open for the Departmental Authorities to simply terminate the adhoc appointment. No illegality has been committed by Departmental Authorities.

7. In this view of the matter, we find no merit in this Original Application which is accordingly rejected. No costs.


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(ASHOK AGARWAL)
Chairman


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(SOMNATH SOM)
VICE-CHAIRMAN

KNM/GM.