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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.647 of 1994.
Cuttack, this the 18th day of July, 2000.

Jogendra Behera.

.....

Applicant.

-Vrs.-

Union of India & Ors.

.....

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 Central Administrative Tribunal or not? NO

(G.NARASIMHAM)
MEMBER(JUDICIAL)

(SOMNATH SOM)
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK.

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ORIGINAL APPLICATION NO. 647 OF 1994.
Cuttack, this the 13th day of July, 2000.

CORAM:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN

A N D

THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDL.).

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JOGENDRA BEHERA, Aged about 22 years,
Son of Chandramohan Behera,
At/PO: Sartha, Ps: Singla, Dist. Balasore.

... Applicant.

By legal practitioner: M/s. A. Deo, B. S. Dripathy,
P. K. Mishra, Advocates.

- Versus -

1. Union of India represented by the
Secretary, Department of Posts,
Dak Bhavan, New Delhi.
2. Chief Postmaster General, Orissa Circle,
At/Po: Bhubaneswar, Dist: Khurda.
3. Superintendent of Post Offices,
Balasore Division,
At/Po/Dist: Balasore.
4. Assistant Superintendent of Post Offices,
Incharge, Balasore Sub Division,
At/Po/Dist: Balasore.

... Respondents.

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

Jdm.

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ORDER

MR.SOMNATH SOM, VICE-CHAIRMAN:

In this Original Application, under section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for quashing the order dated 16-3-1993, at Annexure-3 cancelling the provisional appointment of applicant to the post of ED Packer Cum MC with immediate effect.

2. Departmental Respondents have filed counter opposing the prayer of the applicant.

3. We have heard Mr.A.Deo, learned counsel for the applicant and Mr.Anup Kumar Bose, learned Senior Standing Counsel(Central) appearing for the Respondents and have also perused the records.

4. For the purpose of considering this Original Application, it is not necessary to go into too many facts of this case. The admitted position is that the applicant's father Chandra Mohan Behera, was working as Extra-Departmental Mail Carrier/Mail Packer in Sartha Sub Post Office in Balasore Division. His resignation from service was accepted w.e.f. 12-11-1992. It is also admitted that the applicant was given provisional appointment in the post of EDMC cum ED Packer in order dated 7-12-1992, at Annexure-2. In this order at Annx./2 it is clearly mentioned that if it is decided to make regular appointment to that post, the provisional appointment will be terminated without notice. Petitioner's grievance is that in order dated 16.3.1993 at Annexure-3, his services have been terminated.

5. Respondents, in their counter have stated that the need for continuing the post of EDMC cum ED Packer was

considered and on overall review of the economy of the ED sub Post Office it was found that the income of ED sub office is only 20.26% of the cost. It was also noted that the postmaster has worked for only 2 hours and 16 minutes as against the requirement of 5 hours of work a day. In view of this, by way of economy, it was ordered that the post of EDMC cum EDPacker, shall not be filled up and the work will be managed by redistributing the same amongst other persons. It was also stated that the vacant post was sought to be redeployed as EDMC cum letter box peon at Sunhat sub post office under Balasore Division where there is full justification for the post. In view of this, the Departmental Authorities decided to cancel the provisional appointment of the applicant. On the above grounds, the Respondents have opposed the prayer of the applicant.

6. We find from the order at Annexure-2 that the applicant's appointment was provisional and can be terminated at any time. Departmental Authorities have decided not to fill up the post on the grounds which are genuine. It has also been decided to redeploy the post in some other post office. In view of this, the action of the Departmental Authorities to cancel the ^{provisional} appointment of the applicant can not be found fault with. The prayer of the applicant to allow him to work in ~~any other~~ ^{that} post office is also accordingly rejected.

7. In the result, we find no merit in this Original application, which is accordingly rejected. No costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

KNM/CM.

(SOMNATH SOM)
VICE-CHAIRMAN