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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO.22 OF 1995

Cuttack, this the 3rd February, 1995

Hina Raut Applicant.

Vrs.

Union of India & others..... Respondents.

(FOR INSTRUCTIONS)

- 1) Whether it be referred to reporters or not? N.
- 2) Whether it be circulated to all the Benches No. of the Central Administrative Tribunal or not?

1.5 p.m.
(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

FEB 95

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 22 OF 1995

CORAM: Cuttack, this the 3rd day of February, 1995

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

Hina Rauta,
aged about 28 years,
s/o Gajapati Rauta,
At/P.O-Kolidashpur,
Via-Pandia,
District-Ganjam

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Applicant

By the Advocates

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M/s Dr.M.R.Panda,
D.K.Pani, M.K.Das &
Mrs.M.K.Das.

-versus-

1. Union of India,
represented by its Secretary,
Department of Posts,
Dak Bhavan,
New Delhi.
2. Senior Superintendent of Post Offices,
At/P.O-Berhampur,
District-Ganjam.
3. Director of Postal Services,
Berhampur Region (Office of P.M.T.),
At/P.O-Berhampur,
District-Ganjam.
4. Jaya Kumar Parida,
s/o Ananda Parida,
At/P.O-Kolidaspur,
District-Ganjam

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Respondents.

By the Advocates

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M/s. U.B.Mohapatra
(For Rs.1-3)
S.P.Mohanty &
P.K.Lenka
(For R-4)

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O R D E R

H.RAJENDRA PRASAD, MEMBER(ADMN.) Heard Dr.M.R.Panda for applicant

Shri Hina Rauta, Shri S.P.Mohanty for respondent 4

Shri J.K.Parida, and Shri U.B.Mohapatra for
respondents 1 to 3.

2. In this case the applicant, Shri Hina Rauta, was appointed E.D.B.P.M., Kolidaspur in Berhampur Postal Division in a vacancy which arose due to termination of the services of Shri J.K.Parida (respondent No.4). The termination was challenged by Shri Parida in O.A.No.81 of 1991. This Tribunal by order dated 24.8.1994 quashed the order of Parida's termination and ordered his immediate reinstatement. The order could not, however, be actually implemented on ground because Shri Hina Rauta, in the meanwhile, filed another application (O.A.No.22/95) seeking the maintenance of status quo. The same was admitted and it was directed that status quo as on 24.8.1994 shall be maintained until further orders. Thus it was that, although ordered to be reinstated in service, Shri Parida could not actually take charge of the post of E.D.B.P.M. on account of the fact that Shri Hina Rauta continues to function in it on the strength of the

T.S.J.L.

(P)

stay order passed by this Tribunal.

3. It was brought out today that Shri Hina Rauta had been appointed in place of Shri Parida on an understanding that his further continuance would depend on the outcome of the case filed by Shri Parida in O.A.No.81/91. Since that case has been decided directing his immediate reinstatement, Shri Hina Rauta has no option except to make way for the permanent incumbent, Shri J.K.Parida, in compliance with the orders passed by this Tribunal. The stay granted by this Tribunal on 11.1.1995 is vacated. Shri Hina Rauta will now make over the charge to Shri J.K.Parida in accordance with the orders issued to him by the S.S.P., Berhampur, on 23.12.1994.

4. It was, however, pointed out by Dr.M.R.Panda, learned counsel for the applicant, that Shri Hina Rauta has, during this process, worked for more than three years in the present post. Considering the fact that the Department has nothing against the performance of the applicant, that his appointment, though provisional, was based on his eligibility, and that his displacement is caused wholly due to Shri J.K.Parida (respondent No.4) returning

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to his original post, it is but fair to utilise his services even hereafter. It is directed that the candidature of Shri Hina Rauta be considered for any post of E.D.B.P.M/S.P.M. which may either be existing as on date, or in the next vacancy that may arise in future, for which he may be eligible to be appointed. The applicant, therefore, shall make a proper representation to the concerned authorities giving all personal details and the particulars of his past service, which will be kept on record, for the purpose indicated above, by respondent No.2.

5. Thus, the O.A.22/95 and M.A.No.33/95 arising therefrom are disposed of.

1.5/1.1.1.1.
(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

FEB 95

A.N.Nayak, P.S.