

**CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION No.48 OF 1998
Cuttack this the 12th day of March, 1999

(PRONOUNCED IN THE OPEN COURT)

Prahallad Mallick

Applicant(s)

-Versus-

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

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

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
12.3.99

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**CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK**

**ORIGINAL APPLICATION NO.48 OF 1998
Cuttack this the 12th day of March, 1999**

CORAM:

THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN

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Sri Prahallad Mallick, aged about 61 years
S/o. Late Musi Mallick
Village/Post: Manijanga,
Dist: J.S.Pur presently working as
E.D.Night Watchman,
At/Po: Rahama, Dist:Jagatsinghpur

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Applicant

By the Advocates : Mr.P.K.Padhi

-Versus-

1. Union of India represented by its
Chief Postmaster General(Orissa Circle)
At/Po:Bhubaneswar,
Dist: Khurda-751001
2. Superintendent of Post Offices,
Cuttack South Division,
At: P.K.Parija Marg,
PO: Cuttack G.P.O., Dist:Cuttack-753001
3. Sub-Divisional Inspector(Postal)
At/Po: Rahama, Dist: Jagatsinghpur
4. Sub Postmaster, Rahama Sub Post Office,
At/Po: Rahama, Dist: Jagatsinghpur

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Respondents

By the Advocates : Mr.S.B.Jena,
Addl.Standing Counsel
(Central)

...

S.Jm.

ORDER

MR. SOMNATH SOM, VICE-CHAIRMAN: In this application under Section 19 of the Administrative Tribunals, Act, 1985, the petitioner has prayed for quashing Annexure-2 dated 26.12.1997 so far as he is concerned and for a direction to departmental authorities to post the applicant in any post of E.D.Packer/M.C. in nearby locality.

2. The facts of this case, according to petitioner, are that he was appointed as Night Watchman in Rahama S.O. on 13.3.1967. In 1987 the postal authorities took a decision to abolish the post of E.D.Night Watchman. But it was indicated that the existing Night Watchmen will continue in their posts till they are adjusted in some E.D.posts nearby. In that way the applicant continued in the post of E.D.Night Watchman at Rahama Post Office. In order dated 26.12.1997 at Annexure-2 the applicant has been posted ~~as~~ as E.D.M.C., Kunjakothi Branch Post Office in account with Erasama S.O. and it has been stated that the post of E.D.Nightwatchman will stand abolished with the transfer of the applicant. Being aggrieved with this order the applicant has come up in this application with the prayers referred to earlier.

3. Heard Shri P.K.Padhi, learned counsel for the petitioner and Shri S.B.Jena, learned Addl.Standing Counsel appearing for the respondents and perused the records. The respondents have filed show cause in respect of the prayer for interim relief which has also been taken note of. It has been submitted in the show cause that the existing E.D.M.C. of Kunjakothi Branch Office one Mahani

Mallick has retired on 15.12.1997 and in that place the applicant has been posted. It is submitted by the learned counsel for the petitioner that the departmental authorities may be directed to adjust the applicant in an E.D.Post nearby Rahama. It is also submitted that the petitioner being a disciplined employee has already joined as E.D.M.C., Kunjakothi.

In consideration of submissions made by the learned counsel for the petitioner and in consideration of the fact that the petitioner has put in long 32 years of service and according to learned counsel for the petitioner he is due to retire in three years, it is ordered that the respondents should consider the case of the applicant and try to adjust him in the E.D. post to which he is eligible to be appointed nearby to Rahama on the retirement of existing incumbent.

4. The application is disposed of in terms of the observation and direction made above, but without any order as to costs.

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
12.12.99

B.K.SAHOO