

(A)
FORM NO.4

(See Rule 12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

ORDER SHEET

Application No. OA 53 of 1998

Applicant (s) Gajendra Sethi Respondent (s) 001 808

Advocate for Applicant (s) S. P. Mohanty Advocate for Respondent (s) P. K. Lenka
M P J Roy

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

REGISTER

Registrar

28.1.98

Seen the petition. Heard the learned counsel for the petitioner. A copy of the petition has been served on the learned Addl. Standing Counsel Shri B.K. Bal appearing on behalf of the Respondents. It is submitted by the learned counsel for the petitioner that the Original Application may be disposed of at the admission stage.

The facts of this case are that Shri Ganeswar Padhi, Head Postmaster of Puri Head Post Office is going to retire on 31.1.1998. The applicant, Shri Gajendra Sethi is working in the same post office as Deputy Post Master (H.S.G. II). In view of impending retirement of Shri Ganeswar Padhi Respondent No.2 has issued an order at Annexure-3 in which Respondent No.4 Shri Chandra Sekhar Mohapatra has been deputed to officiate as Postmaster, Puri Head Post Office till regular arrangements are made by the Circle office. This has been done on the ground that Chandra Sekhar Mohapatra (Res. 4) is the senior most B.C.R. official available in the station. This order ~~has~~ is challenged by the applicant on the ground that in order dated 9.9.1997 at Annexure-1

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.. Shri Chandra Sekhar Mohapatra was transferred from the post of Deputy Post master, Puri Head Post Office ~~to~~ as Sub-postmaster, Puri-2 S.O. and according to rule 61(a) of the Postal Manual Vol.IV a person who has been transferred out from the post in a office shall not be eligible for posting back to same branch or office until after three years of the date of last posting there. It is further submitted that Rule-62 provides that any deviation from rules 59~~to~~ 61 can be done only with the permission of the head of the Circle. It is submitted by the learned counsel for the petitioner that Res. 4 has been transferred out of Puri Head Office only in September, 1997 and is being brought back to same office in ~~January~~ January, 1998 within a period of four months. This is in violation of Rule 61(a) and according to learned counsel for the applicant clearance of the CPMG has not been obtained and the impugned order at Annexure-3 does not also indicate that clearance of CPMG has been obtained. The interest of the petitioner in this matter is that he happens to be the second senior most B.C.R. official in Puri station and also the senior-most official in that office and in case Res. 4 is not deputed as Postmaster to Puri Head Post Office he expects to be posted as officiating Postmaster of that Post Office. For this learned counsel for the petitioner relies on sub-rule 1 of Rule 50 of P & T Manual Vol IV. Sub-rule 1 of Rule 50 however, lays down that an officiating arrangement in case of vacancies of not more than one months' duration can be confined to officials in the Section or Branch of that office or in the sub-office where the vacancy occurs even if this involves supercession of a senior qualified official available elsewhere in the cadre by a junior official who is actually appointed to act. Sub-rule 1 speaks of vacancy of not more than one month's duration. Sub-rule-2 however, speaks of vacancies of ..

Done
28/1/98

Order with Signature

Office note as to
action (if any)
taken on order

.. 28.1.98

not more than one months duration *and J. Jm*
separately of vacancies upto four months
duration. In the instant case the vacancy
is of permanent nature. It is submitted
by the learned counsel for the petitioner
that by deputing Res. 4 to act as Postmaster
in Puri Head Office Rules 61(a) and 62
have been violated and these rules being
statutory in nature such violation has
to be taken note of by the Tribunal. The
impugned order is only an order for
interim arrangement till regular arrangement
is made as order itself indicates. In
case the ^{the} applicant has any grievance
with regard to this interim arrangement
vide Annexure-3, his grievance should
be appropriately addressed to the
departmental authorities and the Tribunal
cannot interfere in matters such as this.
In view of this it is ordered that the
applicant should submit a representation
to Chief Post Master General, Orissa
Circle, Bhubaneswar quoting all the
rules and mentioning all his grievance
and the CPMG should consider his representa-
tion and pass appropriate orders on his
representation within a period of 15 days
from the date of receipt of such
representation. Along with the representa-
tion the petitioner should also submit
a copy of this order before the CPMG.

With the above direction the
~~prayer~~ O.A. is disposed of at the
admission stage itself.

At the instance of learned counsel
for the petitioner a copy of the order
along with copy of the petition be handed

J. Jm
28/1/98

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		<p>over to him to be served on C.P.M.G. and Superintendent of Puri by dusti hand and a copy of the order be also handed over to Shri B.K.Bal, learned Addl. Standing Counsel appearing on behalf of the Respondents in course of the day.</p> <p><i>S/om</i> VICE-CHAIRMAN 28/1/98</p>	<p>A copy of the order dt. 28-1-98 & dusti notice given to the applicant's counsel for service of the same copy of the order may also be given to Mr. B-K-Bal A.S.C.</p> <p><i>Fatru</i> 28/1/98 <i>Winku</i> 28.01.98. S-0</p> <p>Received the desh notice with Copy of the order dated 28.1.98.</p> <p><i>Mr May</i> 28-1-98</p> <p>Received copy <i>Bukul</i> 27/1 98 BSC (Central)</p>