

3

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

ORIGINAL APPLICATION NO. 588 OF 1998  
Cuttack this the 28th day of June, 1999

**PRONOUNCED IN THE OPEN COURT**

Ashok Kumar Panda

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*,

*G. NARASIMHAM*  
MEMBER (JUDICIAL)

*Somnath Somy*  
(SOMNATH SOMY)  
VICE-CHAIRMAN

4

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

**ORIGINAL APPLICATION NO. 588 OF 1998**  
**Cuttack this the 28th day of June, 1999**

**CORAM:**

**THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN  
AND  
THE HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)**

...

**Sri Ashok Kumar Panda,**  
aged about 33 years,  
Son of Kashinath Panda,  
at present working as Extra Departmental Branch Post  
Master, Chandan Nagar B.P.O.,  
At/PO: Chandan Nagar, Via: Alba  
District : Kendrapara

...

**Applicant**

**By the Advocates : Mr. T.Rath**

**-Versus-**

1. Union of India represented through  
the Chief Post Master General,  
Orissa, Bhubaneswar  
At|PO: Bhubaneswar  
Dist: Khurda
2. Superintendent of Post Offices  
Cuttack North Division,  
At/PO/Dist: Cuttack

...

**Respondents**

**By the Advocates : Mr.U.B.Mohapatra,  
Addl.Standing Counsel  
(Central)**

...

*S. Sam*

ORDER

**MR. SOMNATH SOM, VICE-CHAIRMAN:** In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner has prayed for regularising his services from the date of his joining as Extra Departmental Branch Post Master, Chandan Nagar Branch Office. The respondents have filed their counter with copy to learned counsel for the petitioner. For the purpose of considering this Original Application, it is not necessary to go into too much of facts of this case. The admitted position is that regular incumbent in the post of E.D.B.P.M., Chandan Nagar B.O. one Shri M.C.Panda was put off duty in the year 1987 and the applicant was selected and appointed in that put off vacancy on provisional basis. The applicant has indicated that he has been continuing in that post for more than 11 years provisionally, but the departmental authorities have ~~have~~ not finalised the disciplinary proceeding pending against the previous incumbent Shri M.C.Panda; that is why he is continuing as provisional appointee in the post of E.D.B.P.M., Chandan Nagar. Because of this he has come up in this Original Application praying for regularisation of his services as E.D.B.P.M., Chandan Nagar B.O.

2. Respondents in their counter have stated that the previous incumbent has been convicted in a Criminal Case under Section 409 of I.P.C. by the learned Chief Judicial Magistrate, Bhubaneswar, in his judgment dated 16.2.1998 and in view of this conviction, previous incumbent Shri M.C.Panda has been dismissed from service in order at Annexure-R/3. Against the order of conviction by the Chief Judicial Magistrate, Bhubaneswar, Shri Panda

*S Jm*

has filed appeal before the learned Spl.Judge, Bhubaneswar. The respondents have further submitted that as the said appeal is pending before the learned Spl.Judge, Bhubaneswar, the case of the applicant will be considered for regularisation after the same is finalised.

3. We have heard Shri T.Rath, learned counsel for the applicant and Shri U.B.Mohapatra, learned Addl.Standing Counsel appearing on behalf of the respondents and also perused the records. It is submitted by the learned Addl.StandingCounsel that services of the applicant as E.D.B.P.M., Chandan Nagar will be regularised after the appeal filed by the previous incumbent Shri M.C.Panda before the learned Spl.Judge, Bhubaneswar is disposed of and it becomes clear that Shri Panda cannot come back to service once again. Till that time the applicant's service will continue to be provisional. It is submitted by the learned counsel for the petitioner that because of provisional appointment he is not getting someother financial benefits for which he has filed another Original Application before this Tribunal. The question of granting him financial benefits will be considered in that O.A. So far as regularisation of the applicant as E.D.B.P.M. is concerned, this Original Application is disposed of with direction to respondents to regularise the services of the applicant as E.D.B.P.M., Chandan Nagar B.O. within a period of 90 days from the date of final disposal of the appeal filed by the previous incumbent Shri M.C.Panda before the learned Spl.Judge, Bhubaneswar. There shall however, be

*in case it is rejected*

SJM.

no order as to costs.

7

(G. NARASIMHAM)  
MEMBER (JUDICIAL)

B.K. SAHOO

(SOMNATH SOM)  
VICE-CHAIRMAN

Q.S. 6.99