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ORDER DT. 7.7.2000.

Seen the petition. Heard Mr. P. Mohanty, learned counsel for the applicant and Mr. A. K. Bose, learned Senior Standing Counsel appearing for the Respondents. After hearing learned counsel for both sides we feel that this matter can be finally disposed of at the stage of admission.

Short facts of this case is that the petitioner is working as EDBPM, Tikhiri Branch Post office under Kujanga Sub office. His case is that originally the post office was held in a thatched house adjacent to the primary school of the village and later on the primary school was shifted from that place and as the house was unsafed the post office was shifted to another building provided by the applicant in his village. Later on, on the basis of certain allegations filed by some persons the applicant has been directed to shift the post office to the original place on the ground that for shifting the post office from the building near the primary school to the present place, the applicant had not taken permission from the departmental authorities. He has also been told that the above order if not complied with action will be taken against him. It is submitted by learned counsel for the petitioner that the old building has ~~been~~ collapsed in the recent super cyclone and as there is no building, it is not possible for him to shift the BO to that place. Shifting of the post office from one place to another does not come within the purview of service conditions of the present applicant and therefore, *prima facie* the petition is not maintainable before us. It is submitted by learned counsel for the petitioner that

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in Annexure-B he has been directed to shift the post office to the old place failing which the matter will be viewed seriously. It is submitted by learned counsel for the petitioner that in the old place, the cash and the materials of the post office will not be safed and it is his responsibility to keep the materials and cash in safe custody. As the prayer of the OA does not come within the purview of service condition this OA is not maintainable. In case Departmental action is taken against the applicant, then at that stage the OA is maintainable before this Tribunal and therefore, the OA is rejected at the stage of admission. While rejecting the OA we also direct the Departmental Authorities that in case they propose to initiate any departmental action for not shifting the post office to the old place and house, then before initiating such action they should make an enquiry with regard to the safety of the building and functioning of the Post Office. With the above observations, the OA is rejected. No costs.

S. J. Jammal
Vice-Chairman

Member (Judl.)

Copies of order
may be served at
the Court for both
parties

11.7.2003

For party
S. J. Jammal
S. B.