

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Mr J.K.Nayak, A.S.C
Appeared for R1 to R3
by filing a memo.

23/11/01

A.D. 2000 R4 a/s
return.
For orders.

R.D.

23/11/01

26-11-2001.
Sh. J.K. Nayak, A.S.C
has already filed
Memo of Appearance on
for R1 to R3 on 9-11-2001
and today he files one
more for fine
in A.D. P.M. for fine
of 8 weeks to file
Counter. Head. Time
granted till 21-12-2001
for Counter.

26/11/2001

Counter not
filed:

Patna
20/12 Registrar

27-3-2002

Applicant is absent on call. No steps taken
by him to file rejoinder. Pleasings are deemed
completed. List this case for final hearing.

27/3/2002

REGISTRAR

Order dated 29.04.2002

Heard Shri D.B. Padhi for the
Applicant and Shri J.K.Nayak, A.S.C. for the
Respondents.

It has been alleged by the Applicant
that he is not being allowed to discharge the
duties of E.D. Stamp Vendor in Sakhigopal post
Office since 21.05.2001. It is his further case
that he was initially engaged as E.D. Telegram
Messenger of the same S.O., Subsequently he was
assigned the job of E.D. Messenger-cum-E.D. Packer,
apparently, because there was less work for a
Telegram Messenger in the said Post Office. Later
he was assigned a job of Stamp Vendor.

Within their competency, the Respondents
assigned the job to the applicant and the
Applicant having accepted the same position, he
is estopped to challenge the orders, by which he
was posted as E.D. Packer or as Stamp Vendor.
Therefore, his second limbs of grievances are
rejected. However, he is free to represent to his
authorities, who in the facts and circumstances
may redress his grievances to work as E.D.
Telegram Messenger/E.D. Packer. Not allowing an
employee to discharge his duties amounts to

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X
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Dt. 9.1.2002

The learned counsel for Respondents Sh. J.K. Nayak today files one time petition and prays for 8 weeks time to file counter on the grounds stated therein. Heard.

Time granted till 30.1.2002 for counter.

~~REGISTRAR~~

Counters not filed.

Dt. 29.1.2002 Regr.

Dt. 30.1.2002

Sh. J.K. Nayak, I.d. Counsel for Respondents file one time petition and prays for 8 weeks time to file counter. Heard. Time granted till 20.2.2002 for counter as last chance.

~~REGISTRAR~~

Counters not filed
Dated: 30/1/2002
Sectra
19/2 Regd.

termination of his services. If it is a fact that the Applicant has been denied/prevented by his authorities in the Post Office to discharge his duties of Stamp vendor w.e.f. 22.05.2001, then the said action, as alleged, is bad and not sustainable in law. However, the case of the Respondents, as raised in the counter, is that the Applicant himself has chosen to remain absent without any intimation to the authorities and that the services of the applicant have not yet been terminated. In the said premises, the Applicant agrees to report to duty on 6.5.2002 and Shri J.K. Nayak, A.S.C. for the Respondents undertakes that if the Applicant will report for duty on 6.5.2002, he will be assigned the job in the Post Office in question/taken back to duties.

On the face of aforesaid undertakings given by the Applicant to report to duty at Sakhigopal S.O. on 6.5.2002, and the further undertaking from the A.S.C. that no sooner the Applicant will report to duty, he will be accepted and assigned the job, this O.A. is disposed of with the direction to the Applicant to report for duty on 6.5.2002 as directed above and the Respondents are further directed to accept the joining report of the Applicant and assign him work regularly thereafter.

At this stage the Advocate for the Applicant states that he has not received any wages for the period from May, 2001. The Applicant is given liberty to approach the

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20-2-2002

Counter filed without service a
LA Ase to have the copy of the
Counter on the applicant by
Counter on the applicant by

A-3-2002


20/2/2002

REGISTRAR

Counter filed
copy of counter
not served.
A-3-2002


1/3

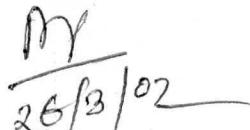
A-3-2002

Counter served on the
applicant's counsel, who prays
for time to file rejoinder.
Time granted till 27-3-2002
for rejoinder.


A/3/2002

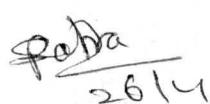
Rejoinder not filed.


Registration


26/3/02


Rejoined

For admission.


Padma
26/3

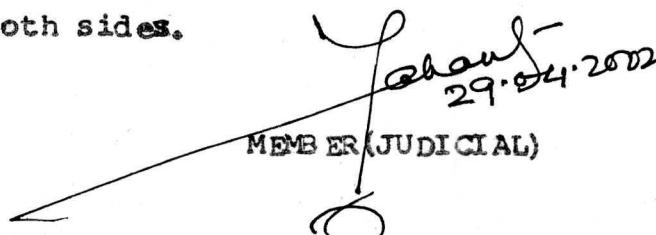
Bench

Respondents by filing representation giving out
adequate explanation and if any such representation
is filed, the Respondents shall do well
by giving due consideration to the prayer of the
Applicant.

The O.A. is disposed of as above,
there shall be
but no order as to costs.

Send copies of order to the
Respondents at the cost of the applicant. Shri
Padhi for the Applicant undertakes to file the
required postages for transmission of copies of
this order by 2.5.2002.

Free copies of the order be made
available to both sides.


Member
29-3-2002

MEMBER (JUDICIAL)