

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. Room R-4 set  
returned for order.

23/11/01

26-11-2001.

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

26/11/01

Counter not  
filed.

Patra  
29/12 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.

24/3/2002

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 Sakhi Gopal 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

2

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Dt. 9.1.2008

The learned counsel for Respondents Sh. J.K. Nayak today files one <sup>time petition</sup> and prays for 8 weeks time to file counter on the grounds stated therein. Heard. Time granted till 30.1.2002 for counter.

REGISTRAR

Counter not filed.

29.1.02 Regr.

Dt. 30.1.2002

Sh. J.K. Nayak, 19. 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

counter not

filed:

20/2/02

Regr.

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 Sakthigopal 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.  
Ld. Asst. to serve the copy of the  
counter on the applicant by  
4-3-2002.

*[Signature]*

20/2/2002

REGISTRAR

Counter filed.  
copy of counter  
not served.

*[Signature]*  
1/3

Rejoinder

4-3-2002.

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

*[Signature]*

4/3/2002

Rejoinder not filed.

Registrar

My  
26/3/02

~~Rejoinder~~

For admission.

*[Signature]*  
26/4

Bench

Respondents by filing representation giving out  
adequate explanation and if any such representa-  
tion 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 (JUDICIAL)

*[Signature]*  
29.04.2002