

9

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK**

Original Application No. 101 of 2005

Thursday, this the 22nd day of November, 2007

C O R A M :

**HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER
HON'BLE MR. TARSEM LAL, ADMINISTRATIVE MEMBER**

Sri Nigamananda Biswal,
Son of Shri Babula Biswal,
Resident of Village Khandol,
PS-Konark, Dist. - Puri, ... Applicant.

(By Advocate M/s. D.P. Dhalsamanta & P.K. Behera)

v e r s u s

1. The Secretary-cum-DG Posts,
Dak Bhawan, New Delhi.
2. The Chief Postmaster General
Orissa Circle, Bhubaneswar Division,
Bhubaneswar, New Capital : 751009,
Dist. - Khurda.
3. The Senior Superintendent of Post Offices,
Bhubaneswar Division, Bhubaneswar,
New Capital – 751 009, Dist. - Khurda.
4. Inspector of Posts, Nimapara Sub Division,
Nimapara : 752 106, Dist. - Puri.
5. Shri Sudarshan Bhat, S/o. Sukhadev Bhat,
At/PO – Sisua, Via. Astrang, Dist. - Puri ... Respondents.

(By Advocate Mr. U.B. Mohapatra, SCGSC)

O R D E R
HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER

Service oriented Postal organization is keen and zealous in opening a branch office in a remote village to cater for postal services there. Competent person selected for that purpose (from an adjoining village) is also ready and willing to function. But the unyielding obstinacy of some persons in the village

(0

results in delay in commanding a branch office at that village as according to them, only a person from its own village should run the show! Result, inconvenience to the entire village. At present on a temporary measure the postal services are being catered. The question is how to solve the issue.

2. Brief facts: Official Respondents had floated a notification dated 04-02-2002 calling for application form open market for the post of GDSBPM, Sisua Branch post office and the applicant was one of the aspirants to the post. He having been selected according to the rules and having been in a position to arrange for necessary accommodation to house the post office faced a problem, inasmuch as, the fifth respondent, who has been functioning as EDDA in Sisua, filed OA No. 6/2003 challenged the issue of notification and the consequent progress in appointment of the applicant on the ground that the said act of the respondents was in violation of the directions given by the Tribunal vide order dated 21-09-2001 in OA No. 248/2001. The said OA was, however, dismissed and the Tribunal by its order dated 05-08-2004 directed the respondents to terminate the provisional appointment of the applicant and to appoint the most meritorious candidate. In obedience thereto the respondent No. 3 directed the fourth respondent to appoint the applicant as GDS BPM, Sisua B.O. in account with Astrang Sub Office. The fourth respondent, took due action and vide Annexure A-7, the Applicant was directed to take over the detailed charge of GDSBPM, Sisua Branch Office. When the applicant took initiative to have the office commenced, nearly 200 villagers were stated to have obstructed the same and the ~~matter~~ was brought to the notice of the official respondents immediately. The mob insisted appointment of Respondent No. 5 as GDSBPM. The threat by the villagers had resulted in the house owner who was ready and willing to make available accommodation on rent for running the office to back out. Attempt to take over from respondent No. 5 the duties of GDSBPM for the second time with

2

the help of Respondent No. 4 failed. As the applicant did not have any other way to have the office functioning at Sisua, he made a request that he be permitted to have the office situated in a nearby village so that postal services to Sisua could be properly made available. However, ^{the respondents} by order dated 23-02-2005 (Annexure A-14) again directed the applicant to make arrangements for suitable accommodation at Sisua itself. Hence this application by the applicant with the prayer that the respondents be directed to consider the shifting of the Post Office located at Sisua Village to any other village under Sisua Post office or to open a parallel post office in any other village under Sisua Post office to enable the applicant to join and function as GDS-BPM of Sisua Post Office. According to the applicant, the post office has to cater for as many as 18 villages and as such, situation at Sisua alone of the post office may not be insisted.

3. Respondents have fairly admitted the factual situation but have contended that it is for the applicant to make proper arrangements to run the post office at Sisua.

4. Applicant has filed rejoinder.

5. Arguments were heard and documents perused. If the version of the applicant be true, then the respondents can very well investigate the matter to ascertain the extent of the hand of the fifth respondent in the obstruction being created by the villagers. Neither the respondent No. 5 nor for that matter the villagers can be permitted to compel a particular person to be appointed as GDSBPM. The appointment shall be as per the provisions and norms prescribed. And the applicant has been found to be suitable for the same. He has spared no efforts to arrange for accommodation and but for the repeated threat and confusion allegedly created by the mob, the applicant would have

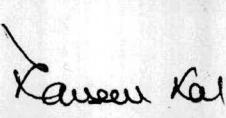
12

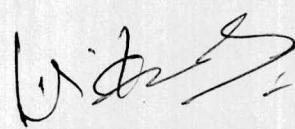
successfully been running the Branch Post Office at Sisua. It is not known whether the applicant had taken up the matter with the District Collector/Police Authorities, as the matter is linked with law and order aspect too. From the reply it is evident that the respondents have not so far acted in that direction but have enshouldered the responsibility upon the applicant. Now the question is as to how to solve this impasse.

6. Two possible ways would be found in this regard. First one is that the respondents shall first ascertain the situation afresh, see whether the involvement of the respondent No. 5 is there in the alleged unlawful action of the so called agitation by some villagers preventing the applicant from running the office at Sisua and if so, approach the Police Authorities and the District Collector in this regard by lodging formal complaint to have the matter solved. Simultaneously, if the involvement of Respondent No. 5 is *prima facie* proved, departmental action be taken against Respondent No. 5 in accordance with the Rules. If within a specified period, the situation does not improve, say within three months, the applicant be permitted to operate from a nearby village so that services to Sisua are duly catered by the applicant. Due action should be taken under the direct supervision of the Sr. Superintendent of Post Office, Bhubaneswar Division, who shall also keep the Chief Post Master General informed of the action taken in this regard periodically.

7. With the above direction, the OA is disposed of. No costs.

(Dated, the 22nd November, 2007)


TARSEM LAL
ADMINISTRATIVE MEMBER


DR. K B S RAJAN
JUDICIAL MEMBER