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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O.A.No. 324 of 2008
Cuttack, this the ~~01st~~^{1st} day of ~~March~~, 2011

Naba Kumar Paraseth Applicant

-v-

Union of India & Others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not?
2. Whether it be circulated to Principal Bench, Central Administrative Tribunal or not?

(A.K.PATNAIK)
Member(Judl)


(C. R. MOHAPATRA)
Member (Admn.)

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A No. 324 of 2008
Cuttack, this the 1st day of ~~March~~^{April}, 2011

CORAM:

THE HON'BLE MR.C.R.MOHAPATRA, MEMBER (A)
A N D
THE HON'BLE MR.A.K.PATNAIK, MEMBER (J)

Naba Kumar ^{Paraseth} ~~Pradhan~~, aged about 48 years, Son of Denga
Paraseth, Village/Post-Guma, PS-Belghar, Dist. Kandhamal.
.....Applicant

By legal practitioner: M/s.L.Pradhan, D.P.Das, Counsel
-Versus-

1. Union of India represented through Postmaster General,
At/Po-Bhubaneswar, Dist. Khurda.
2. The Superintendent of Post Offices, Phulbani Division,
At/Po.Phulbani, Dist.Kandhamal.
3. The Sub Divisional Inspector, Postal & Telegraph
Department, At/Po-Baliguda, Dist. Kandhamal.

....Respondents

By legal practitioner: Mr.R.C.Behera, ASC

O R D E R

MR. C.R.MOHAPATRA, MEMBER (ADMN.):

This case has a chequered career but we do not feel it necessary to record all the events as it would suffice to state that even after the selection for appointment to the post of Extra Departmental Post Master of Guma Sub Post Office [now it is Gramin Dak Sevak Branch Post Master] under Baliguda Sub Division of Kandhamal District, the Applicant could not be appointed as one Smt. Kanchana Badaseth filed OA No. 183 of 1991 in this Tribunal seeking direction to the Respondents for her

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appointment in the said post on regular basis on the strength of her continuance in the post as substitute after the resignation of her husband. The said OA was dismissed by this Tribunal on 13th August, 1993. Then she approached before the Hon'ble Apex Court, then before the Hon'ble High Court thereafter filed Review. Finally with the intervention of the District Administration, she could hand over the charge of the post office, in question, to the Department on 23.2.2007. Thereafter, the Applicant could have been provided with the appointment to the post. But as meanwhile, for the alleged involvement in a GR case, the Applicant came out on bail, he was not provided with the offer of appointment. Being aggrieved by such action of the Respondents, the applicant approached this Tribunal in the present OA seeking direction to the Respondents to allow him to join in the post of GDSBPM of Huma Sub Post Office, on regular basis, pursuant to the order of this Tribunal dated 13th August, 1993 upheld by the Hon'ble Apex Court and High Court immediately.

2. The facts noted above are not in dispute in the counter filed by the Respondents. According to the Respondents the applicant could not be allowed to join in view of his alleged involvement in the criminal case. In order dated 26.09.2008, this Tribunal while admitting the matter and asking the Respondents

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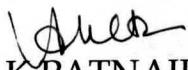
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to file their reply, if any, as an ad interim measure directed for the steps to be taken to hand over the charge of the post office to the applicant within one week from the date of receipt of the order.

3. By filing rejoinder, the Applicant has brought to the notice of this Tribunal that in compliance of the order of this Tribunal, the Superintendent of Post Offices, Phulbani Division, Phulbani appointed the applicant to the post in question on provisional basis vide Memo No. APP/ED/A-67/Sub dated at Phulbani (O), the 24.10.2008 pursuant to which order, after undertaking the necessary in-service training, he has joined the post and continuing to discharge his duties.

4. Heard the rival submission of the parties and perused the materials placed on record including the earlier order of this Tribunal dated 13th August, 1993. Nothing has been brought to record by either side about the fate of the GR case alleged to have been pending against the Applicant. However, in case the applicant is convicted in the said GR case, law will take its own course and in that event, the appointment/continuance of the applicant in the post will be governed as per the Rules. But for such subsequent event, if at all true, we do not see any justification to ignore the legitimate expectation of the applicant for the post when he was regularly selected but for the reason of several

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litigation filed by another aggrieved person he was kept out of duty. In the aforesaid premises, we direct the Respondents to treat the appointment of the applicant as regular for all purposes from the date of his joining.

5. With the aforesaid observation and direction, this OA stands allowed. As a consequence, MA No. 724 of 2008 filed by the Applicant seeking amendment to the OA is accordingly disposed of.


(A.K.PATNAIK)
Member (Judl.)


(C.R.MOHAPATRA)
Member (Admn.)