

CALCUTTA BENCH

No. MA 86 of 98
OA 1459 of 97

Present : Hon'ble Mr. Justice S.N. Mallick, Vice-Chairman

Hon'ble Mr. S. Dasgupta, Administrative Member

ANUP CHOWDHURY

VS

UNION OF INDIA & ORS.

For the applicant : Mr. P.K. Kundu, counsel

For the respondents: None

Heard on : 26.2.98

Order on : 26.2.98

O R D E R

S.N. Mallick, VC

We have heard the 1st. counsel for the petitioner in respect of the instant MA wherein the petitioner has prayed for a mandatory order directing the respondents to restore the charge of the Post Office to the applicant and not to make over charge of the Post Office to any third party till the disposal of the application and also for an order directing the respondents to make payments of allowances to him as EDBPM, Kishoregore month by month and also to make payment of his arrears from 23.12.97. The OA has been fixed for admission hearing on 12.3.98. It appears from the annexures to the OA that this petitioner moved this Tribunal in OA 369 of 96 which was disposed of by a Bench of this Tribunal by the order dated 11.9.96. A direction was given upon the respondents to fill up the post of EDBPM in question according to the normal rules of Recruitment and consider the case of the petitioner, if he is eligible and till the regular selection is made his provisional appointment shall not be terminated. It is the grievance of the applicant that although his service is not terminated charge of the Branch Post

Office has been given to one Radhakanta Das, Overseer of Mails. In view of the direction given by the earlier Bench in the aforesaid OA 369 of 96 we do not find any reason to pass any interim order as sought for in the MA. It does not call for our interference in the OA. The application is rejected. It is submitted by the 1st. counsel for the petitioner that he has served copy of the OA upon the respondents, but no one has appeared. Under the circumstances we direct the Registry to serve notice in respect of the OA upon all the respondents by registered post with A/D by the date fixed and to submit a report before the matter is taken up for admission hearing on the aforesaid date. MA stands disposed of.



MEMBER (A)



VICE-CHAIRMAN