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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A No. 396 of 2000
Cuttack, this the 13th day of April, 2011

CORAM:

THE HON'BLE MR.C.R.MOHAPATRA, MEMBER (A)

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THE HON'BLE MR.A.K.PATNAIK, MEMBER (J)

1. Baikunthanath Mohanty, aged about 32 years, S/o.D.C.Mohanty, Gardner-cum-Sweeper and Farash.
2. Harekrishna Muduli, aged about 38 years, S/o.Late R.N.Muduli, Day-Guard.
3. Nrusinghnath Nayak, aged about 34 years, S/o.M.S.Nayak, Waterman.
4. Abhimanyu Naik, aged about 32 years, S/o.Dhadia Naik, Sweeper.
5. Hatakishore Barik, aged about 41 years, S/o.Late B.B.Barik, Day Guard cum Waterman.
6. Sarat Kumar Naik, aged about 33 years, son of Jogi Naik, Sweeper.

All are working in the office of the Sr. Postmaster, Bhubaneswar-GPO, At/Po-Bhubaneswar, Dist.Khurda.

.....Applicants

By Legal practitioner: M/s. G.A.R.Dora, J.K.Lenka, G.R.Dora,
S.P.Mishra, Counsel.

Versus

1. Union of India represented through the Secretary, Ministry of Communications, Department of Posts, Dak Bhavan, Sansad Marg, New Delhi, PIN 110 001.
2. Chief Postmaster General, Orissa Circle, Bhubaneswar, Dist.Khurda.
3. Senior Superintendent of Post Offices, Bhubaneswar Division, At/Po.Bhubaneswar, Dist. Khurda.
4. Senior Postmaster Bhubaneswar GPO, At/Po.Bhubaneswar, Dist. Khurda.

....Respondents

By legal practitioner: Mr.S.B.Jena, ASC

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ORDER

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

It appears from the record that on the basis of the submission of Learned Counsel for both sides, vide order dated 07-05-2003, this OA was ordered to be taken up after disposal of the OJC No. 5246 of 2007 filed by the Union of India/Respondents challenging the order of this Tribunal dated 23.11.1994 in OA No. 819 of 1994 directing conferment of temporary status on the Applicants in OA No. 819 of 1994 as the issue involved in the case in hand is similar to that of the OA No. 819 of 1994. The order dated 07-05-2003 of this Tribunal reads as under:

“Heard Mr. G.A.R.Dora Learned Counsel for the Applicant and Mr. A.K.Bose, Leaned Senior Standing Counsel appearing for the Respondents. It has been disclosed by the parties that the issues involved in this case which were answered in a connected OA is now the subject mater of consideration before the Hon’ble High Court Orissa in a Writ Petition (OJC No. 5246/2001) which is still pending before them. Therefore, on the prayer of the Counsel for both parties hearing of this OA No. 396 of 2000 stands adjourned till disposal of the Writ Petition/OJC No. 5246/2001 in the Hon’ble High Court of Orissa.

Parties in this OA should intimate about the progress of the Writ Petition /OJC No. 5246/2001 tot his Bench where after this OA shall be taken up for final disposal.”

2. By filing Memo on 12.4.2011 enclosing thereto a copy of the order of the Hon’ble High Court Orissa dated 29-03-2010 in OJC No. 5246 of 2001 it was brought to the notice of this Tribunal


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by the Learned Counsel for the Applicant that meanwhile the OJC no. 5246 of 2001 has been dismissed by the Hon'ble High Court of Orissa upholding the order of this Tribunal dated 23.11.1994 in OA No. 819 of 1994 and as such, this OA needs to be allowed.

3. Heard learned Counsel for both sides and perused the materials placed on record including the order dated 29.3.2010 of the Hon'ble High Court of Orissa in OJC No. 5246 of 2001. It was submitted by Learned Counsel for the Applicant that meantime the relief sought in this OA has been granted to the Applicant Nos. 2,3 and 4 and as such this OA may be confined in so far as Applicant Nos. 1, 5 and 6 and accordingly direct the Respondents to grant the relief as has been granted to others. Obviously in view of the order of the Hon'ble High Court of Orissa no serious objection was raised by the Respondents' Counsel appearing in this OA.

4. In view of the above, this OA is disposed of with direction to the Respondents to grant the benefit to the Applicant Nos. 1,5 and 6, as has been granted to the Applicant Nos. 2,3 and 4 within a period of 60(sixty) days from the date of receipt of copy of this order.


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


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