



FORM No. - 4  
See Rule (12)

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
CUTTACK BENCH

**ORDER SHEET**

Original Application No. 149 of 2004  
Applicant (s) Nxuyingha Ch. Swain Respondent (s) Union of India & Ors.  
Advocate for Applicant (s) M/s. P. K. Rath Advocate for Respondent(s) S. N. Biswal  
P. K. Satpathy

**NOTES OF THE REGISTRY**

**ORDERS OF THE TRIBUNAL**

9.P.O. for Rs. 50/- for  
for Registration Pt.  
5-4-04 on memo  
Dr  
Registrar  
For Admn & Inform  
order - copy served.  
15/4/04

**REGISTER**

Order dated 16.04.2004

Heard Shri P.K.Rath, learned counsel  
for the applicant and Shri A.K.Bose, learned  
Senior Standing Counsel (on whom a copy of the  
O.A. has been served) appearing on behalf of  
the Respondents and perused the records.  
This is for the second time the applicant  
has visited this Tribunal after he had come  
before us on 7.4.2004 in O.A.145/2004 with  
the grievance that the Respondents were not

## NOTES OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

heedful to his grievances. After hearing the matter, we, vide our order dated 7.4.2004, had directed him to submit a representation to the Director of Postal Services(HQ) Office of the Chief Post Master General, Bhubaneswar for redressal of his grievance and it was further directed that the Director of Postal Services, Bhubaneswar, should, on receipt of such a representation dispose of the same within a period of 45 days thence. To-day by filing this O.A. the applicant further submits that he has now received an order bearing No.B/E.76/(Sub) dated 24/26.3.2004 wherein he has been called upon to handover the charge of the Bodakapatna Branch Office to the A.S.P.Os I/c. Central Sub-Division, Bhadrak. It is his further submission that the applicant having served the Department, EDBPM for about two decades, the Respondents have not taken any step to protect his interest by following the instructions of DG Posts as contained in Circular bearing No.17-115/2001 GDS dated 01.10.2002. It is his claim that he is entitled to regularisation. The representation, as directed by this Tribunal on 7.4.2004 in O.A.145/2004, is stated to have been submitted to the D.P.S. on 9.4.2004, by Regd.Post.

We have already issued direction to the DPS(HQ), Office of the CPMG, Bhubaneswar that on receipt of representation from the applicant he should dispose it of in terms of the rules and regulation as laid down in this regard, keeping in view the facilities to be

3  
given to the G.D.S., who are found surplus/whose services are terminated on extinction of the terms of provisional appointment. This being the case of that nature, the appointment of the applicant had to be terminated consequent upon reinstatement of the earlier/regular incumbent of the G.D.S.B.P.M., Badakapatna B.O. as is evidenced from the impugned order dated 24/26.3.2004 (Annexure-A/1) in compliance of the direction of this Tribunal and therefore, we have no hesitation in our mind that the concerned authorities will dispose of the matter/representation of the applicant in terms of the D.G.Posts instructions as referred to above.

With the above observation we dispose of this O.A. at the stage of admission. No costs.

A copy of this order along with copies of the O.A. be sent to the Chief Post Master General, Orissa Circle, Bhubaneswar to see that the direction of this Tribunal issued on 7.4.2004 in O.A.145/2004 is implemented within the time as stipulated therein.

*habu*  
VICE-CHAIRMAN 19/4

MEMBER (JUDICIAL)  
*Jo*

Copy of order  
att-16/4/04  
to the CPMG, Orissa  
Circle by post.

The same copy  
of order issued  
to the counsel for  
both side.

*Dr. 20/4/04*  
S.O.

*Dr*  
20/4/04