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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 252 OF 2008

CUTTACK THIS IS THE 4th DAY OF AUG., 2010

Sri D.K. Senapati..... Applicant

Vs.

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?


(C. R. MOHAPATRA)
ADMINISTRATIVE MEMBER


(G. SHANTHAPPA)
JUDICIAL MEMBER

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CORAM:

HON'BLE MR. G. SHANTHAPPA, JUDICIAL MEMBER
HON'BLE MR. C.R. MOHAPATRA, ADMN. MEMBER

Sri D.K. Senapati, aged about 51 years, S/o-Late Giridhari Senapati, At-Bhogasalada, P.O- Nimapara, Dist-Puuri, at present working as Gramina Daka Sevaka, Mail Deliverer, Bhogasalada Branch Office, Bhogasalada, Nimapara, Dist-Puri.

..... Applicant

By the Advocate(s) M/s-D.K. Patnaik
A.R. Mohanty

Vs.

1. Union of India, represented by its Director General of Posts, Dak Bhawan, New Delhi.
2. Chief Post Master General, Orissa, Town/Po-Bhubaneswar., Dist-Khurda.
3. Post Master General, Orissa, Town/Po-Bhubaneswar., Dist-Khurda.
4. Senior Superintendent of Post Office, Bhubaneswar Division, Town/Po-Bhubaneswar., Dist-Khurda.

..... Respondents

By the Advocate(s)..... Mr. S. Barik



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ORDER

HON'BLE MR. G. SHANTHAPPA, JUDICIAL MEMBER

We have heard Mr. D.K. Patnaik, Ld. Counsel for the applicant and Mr. S. Barik, Ld. ASC for the Respondents

2. This Original Application has been filed by the applicant under Section 19 of the Administrative Tribunal's Act, 1985 seeking the following relief:-

“ (i) To direct the Respondents to give promotion to the applicant to the rank of Postman from GDSMD considering his service and seniority by condoning the overage of the applicant in relaxation of the Rules;

(ii) and may grant such other order/orders as deemed just and proper.”

3. Mr. Patnaik, Ld. Counsel for the applicant, submits that the grievance of the applicant is that, the applicant submitted representation vide Annexure-A/5 dated 03.11.2006. When the said representation was pending before the Post Master General, Orissa, Bhubaneswar, the present Original Application is filed for the relief sought as above. He further requested that a direction be given to the Respondents to consider the representation and pass orders by exercising their powers as reflected in Rule 5 of the Department of Post (Postman/Village Post Man) Recruitment Rules 1989.

4. Mr. Barik, Ld. ASC for the Respondents submits that if a direction is given to the Respondents the competent authority will

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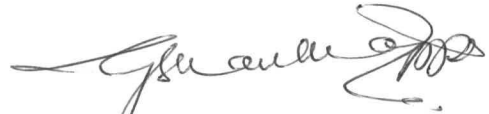
consider the representation and pass a suitable orders in accordance with the Rule.

5. We have considered the submissions made by either side. Without going into the merit of the case we direct Respondents No.2 & 3 who is the competent authority to decide the representation within a period of three months from the date of receipt of the copy of this order and communicate the same to the applicant.

6. With the above observation and direction the O.A is disposed of. No costs.



(C. R. MOHAPATRA)
ADMINISTRATIVE MEMBER



(G. SHANTHAPPA)
JUDICIAL MEMBER