

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O.A.No.583 of 2010

Trilochan Panda Applicant
Versus
Union of India & Others Respondents

1. Order dated: 05.10.2010.

CORAM:

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

Heard Mr.Sanjib Mohanty, Learned Counsel for the Applicant and
Mr. Lalatendu Jena, Learned ASC appearing on notice for the Respondents and
perused the materials placed on record,

2. The Applicant, describing himself to be working as GDSMC, in charge of BPM (without mentioning the name of the Branch Post Office either in the cause title or even in the verification) has filed this Original Application under section 19 of the A.T. Act, 1985 seeking the following relief:

“Under such circumstances, it is humbly prayed that this Hon’ble Tribunal may kindly be pleased to admit the case and issue notice to the respondents to file their sow cause as to why the case of the applicant shall not be allowed and after hearing the parties, the case of the applicant be allowed and direction be given to respondent No.4 not to recover any amount from the GDSs of Puri Division pursuant to Annexure-6 dated 11.8.2010.”

3. This was filed by the applicant on 21.09.2010. Registry pointed out the defect that Annexure-A/6 is in complete and remedies available have not been exhausted by the Applicant. However, on the basis of the Memo filed by the Applicant, with the defects pointed out by the Registry, this matter was listed to the Bench on 30.09.2010 for consideration on the question of admission. On being put the pertinent question pointed out by the Registry, Learned Counsel for

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the Applicant took time till today/05.10.2010 to remove the defect/convince this Bench for issuance of notice despite no impugned order being filed. Accordingly, Applicant filed a Memo dated 4.10.2010 stating as under:

“That this Annexure-6 copies is submit to OA No. _____ of 2010. Kindly received it.”

4. Along with the said memo he has enclosed a list containing the name of the post office etc but without any impugned order of recovery for which this OA has been filed. Annexure-A/6 reads as under;

“Please refer to this office letter of even no. dated 23.10.2009 on the aforesaid subject. The statement showing work load as on 31.12.2005 and the scale of TRCA so fixed on 01.01.2006 of the GDSs of your unit is sent enclosed herewith. You are requested to submit copies of individual fixation statements (i.e. fitment of TRCA) for the GDSs on 31.12.2005 and GDSs appointed on or after 1.1.2006 to this office within three days for onward submission to DAP. One copy of fixation statement may also be sent to DAP well in advance.”

5. This is a letter sent by the Senior Superintendent of Post Offices, Puri Division to the Post Master, Puri, Khurda, Nayagarh HO. This letter does not throw any light in so far as recovery is concerned. The list filed by the Applicant through Memo, stated above, does not also disclose any such step taken by the Respondents for making recovery. Rule 9 of the CAT (Proceure) Rules, 1987 clearly provides that every OA must be accompanied by an attested true copy of the order against which the application is filed which is lacking in this OA.

Besides the above, the applicant has approached this Tribunal without availing of any opportunity by filing appeal/representation; if at all the letter under Annexure-6 is in any manner, adversial to his interest. Section 20 of the A.T. Act, 1985 clearly provides that a Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies

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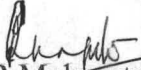
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available to him under the relevant service rules as to redressal of grievances. No extra ordinary circumstances have been pleaded by Learned Counsel for the Applicant to entertain this OA. The above position on being pointed out, the Learned Counsel for the Applicant, fairly submitted that this Tribunal may dismiss this OA in a reasoned order.

This apart, the applicant's prayer in this OA is to direct the respondent No.4 not to recover any amount from the GDSs of Puri Division pursuant to Annexure-6 dated 11.8.2010 which is in the nature of public interest litigation and admittedly this Tribunal lacks jurisdiction to entertain application filed in the form of Public Interest Litigation.

6, In view of the above, I find no point even to entertain this OA. This OA, therefore, stands dismissed being premature.

7. Send copies of this order along with OA to the Respondent No.4 for information.


(C.R. Mohapatra)
Member(Admn.)