

O.A.No. 143 of 2009

Bijaya Ku. Muduli Applicant
Versus
Union of India & Ors. Respondents

1. Order dated 09.04.2009.

C O R A M

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

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Having heard Mr.D.K.Mohanty, Learned Counsel for the Applicant and Mr. U.B.Mohapatra, Learned Senior Standing Counsel for the Respondents perused the materials placed on record.

2. It is the case of the Applicant that while he was continuing as a regular GDS DA of Ostapur Sub Post Office in account with Kendrapara Head Post Office, the post of GDS SPM of the same post falling vacant due to retirement of the regular incumbent holding the post of GDS SPM, the Applicant was kept in charge of the said post vide order under Annexure-A/1 dated 05.01.2007. According to him he is having all requisite qualification for the post of GDS SPM and discharging the duties of GDS SPM smoothly since 2007 and as such, although as per Rule DG Posts No.43-27/85-Pen (EDC&Trg) dated 12th September, 1988(Annexure-A/7) he is entitled to continue in the said post permanently, steps have been taken by the Respondents to fill up the said post by bringing persons from other BO/SO. His further contention is that repeated

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representation in this context did not yield any fruitful result till date. Therefore, by filing this Original Application he seeks direction to the Respondents to absorb him permanently in the post of GDS SPM of Ostapur SO and as an interim measure, it has been prayed that a direction be issued to the Respondents to maintain status so far as his continuance in the post of GDS SPM of the said BO till this matter is decided finally.

3. Since the representations of the applicant are still pending consideration, I am not inclined to admit this OA. Hence, as agreed to by Learned Counsel for both sides, without expressing any opinion on the merit of the matter, this Original Application is disposed of at this admission stage with direction to the Respondent No.3 to take a decision keeping in mind the DG Posts letter dated 12.9.2008 (supra) on the pending representations of the Applicant under Annexure-A/3 within a period of one month from the date of receipt of this order and communicate the result thereof to the Applicant. Till then there shall be no variance so far as the existing arrangement of the post of GDS SPM, Ostaspur SO in account with Kendrapara Head Post Office^{is concerned}.

4. Send copies of this order to the Respondents along with OA and free copies of this order be given to Learned Counsel for both sides.


(C.R.MOHAPATRA)
MEMBER (ADMN.)