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O.A. No. 380 of 2011

Muralidhar Behera.....Applicant

Vs

Union of India & Ors.....Respondents

Order dated: 17.06.2011

CORAM:

Hon'ble Shri C.R.Mohapatra, Member (Admn.)

Heard Mr. P.K.Padhi, Ld. Counsel for the applicant and Mr. P.R.J.Dash, Ld. Additional Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served.

2. The applicant's contention is that though he is basically an EDDA, he was asked to discharge the duties of GDS BPM which he has been doing since 1.4.2005 at Dharmapur under Talcher M.D.G. Though, he has been working for the last six years, Respondent No.3 has issued an advertisement at Annexure-A/5 on 11.3.2011 calling for fresh applications and the last date of submission of application is already over on 11.4.2011. Challenging the said notification, applicant has filed this O.A. with the following prayer:

“....to direct the Respondents to consider the case of the applicant for transfer/posting as GDSBPM of Dharmapur Branch Post Office in a/c with Talcher MDG.”

3. Ld. Counsel for the applicant submits that it is improper to go for fresh recruitment when already for last six years the applicant, who is otherwise eligible to be appointed as GDSBPM, is discharging his duties satisfactorily. Citing the DG Post Letter No. 19-10/2004-GDS dated 01.09.2004, the applicant has made a representation to the Chief Post Master General, Orissa Circle, Bhubaneswar, i.e. Respondent No.1, on 18.05.2011 and no reply has been received from Respondent No.1 whereas Respondent No.3 is allegedly going ahead to fill up the post in terms of notification issued on 11.03.2011. The Ld. Counsel for the applicant submits that he will be satisfied if a direction is issued to Respondent No.1 to consider the representation pending with him and pass a reasoned order within a specific time frame.

4. Having heard Ld. Counsel for the parties, it will be in the interest of justice, at this stage, to direct Respondent No.1 as well as Respondent No.3 to consider the pending representation and deal with the question of absorption of the applicant as per the extant rules on the subject. The consideration of the representation and issuance of the reasoned order shall be made by Respondent No.1

within a period of 60 days from the date of receipt of a copy of this order. Meanwhile, if any appointment is made to the post in question that will be subject to the decision taken on the representation by the Respondent No.1. Ordered accordingly.

5. With the above observation and direction, without going into the merit of the case and as agreed to by the ld. Counsel for the parties, the O.A. stands disposed of at the stage of admission itself.

6.. Send copy of this order, along with copy of the O.A., to Respondent No.1 and 3 for compliance. Free copy of this order be given to the Ld. Counsel for the parties.

  
MEMBER (Admn.)

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