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CENTRAL ADMINISTRATIVE TRIBUNAL CUTTACK BENCH, CUTTACK

O.A.No.383 of 2011
Radhakanta Patel Applicant
Vs
UOI & Ors. Respondents

Order dated: 22-06-2011.

C O R A M

THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (ADMN.)
AND
THE HON'BLE MR.A.K.PATNAIK, MEMBER (JUDL.)

.....
Heard Learned Counsel appearing for the respective
parties and perused the materials placed on record. The prayer of
the Applicant in this OA filed on 06.06.2011 is as under:

"In view of the facts stated above, it is, therefore,
humbly prayed that Hon'ble Tribunal may be graciously
pleased to direct the Respondents particularly Res.No.2 to
evaluate question No.5&6 of Paper-B (Mathematics) of
applicant and after awarding of mark fix the position of
applicant correctly in the merit list and post him from the
date the other selected candidates joined with all
consequential service benefits."

2. It is the specific case of the Applicant that since no
reply has been received on his representation at Annexure-A/3
dated 10.05.2011(**not marked in the OA**); he has approached
this Tribunal in the present OA with grant of interim relief to
direct the Respondents to dispose of the pending representation.
At least breathing time should have been allowed to the
Respondents to take a decision on the representation and the

applicant should not have so hurriedly rushed to this Tribunal in the present OA. This prayer of the applicant, we are of the considered view, does not come under exceptional category so as to admit this OA in exercise of the power under Section 20 of the Administrative Tribunals Act, 1985. However, it was contended by the Learned Counsel for the Applicant that he will be satisfied if a direction is issued to the Respondents to consider and dispose of the representation in Annexure-A/3 within a stipulated period which was not controverted by the Learned Counsel appearing for the Respondents, on notice.

3. In view of the above, without expressing any opinion on the merit of the matter, this OA is disposed of at this admission stage, with direction to the CPMG, Orissa, Circle, Bhubaneswar to consider the representation dated 10.5.2011 of the Applicant and intimate the result thereof to the applicant in a reasoned order, within a period of 30 days from the date of receipt of copy of this order.

Copy of this order along with copy of the OA be sent to the Respondent No.2 for compliance.

A.K.Patnaik
(A.K.PATNAIK)
Member (Judl.)

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