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O.A. No.425/2011

ORDER DATED 6th JULY, 2011

R. Mohapatra.....Applicant

VIS.

Union of India & OthersRespondents

Coram:

HON'BLE MR. C.R. MOHAPATRA, MEMBER ADMN.

Heard Sri S.K. Ojha, Ld. Counsel appearing for the applicant and Sri S. Barik, Ld. Addl. Standing Counsel appearing on notice for the Respondents on whom a copy of this O.A. has already been served and perused the materials placed on record.

2. This Original Application has been filed by the applicant with the following prayer:-

- "(i) To direct the Respondents to allow the applicant to continue against the post of FCSA, irrespective of panel published on 10.06.2011.
- (ii) To declare the action of the Respondent No.3 as illegal and against the law."

3. The facts of the case, as revealed from the O.A. are that the applicant, while working as Faculty cum System Administrator (in short FCSA) on contractual/casual basis from 06.07.2007 to 20.04.2011 was transferred and posted to various institutions from time to time as that of the regular employee. After his disengagement from service w.e.f. 20.04.2011 the applicant was informed to attend interview on 10.05.2011 for the said post. The applicant appeared at the interview but his name did not find place in the panel prepared by the Regional Office, Bhopal. Hence, the applicant preferred a representation dated 22.06.2011 (Annexure-A/3) to Respondent No.3.

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The grievance of the applicant is that though he had served four years in Navodaya Vidyalaya Samittee as FCSA with honesty, integrity and devotion to duty, and has done exceedingly well in the interview, yet, his name has not found place in the panel drawn up by the Respondent Office, Bhopal. The representation preferred by the applicant at Annexure-A/3 having not been responded, the applicant has moved this Tribunal in the present Original Application with prayer as referred to above.

4. I have heard the Ld. Counsel for the parties on the question of admission. During the course of hearing, Ld. Counsel for the applicant submitted that, a direction may be issued to Respondent No. 3 to consider and dispose of the pending representation through a speaking order within a specified time.

5. Having regard to the submissions made and as agreed to by the Ld. Counsel for the parties, without going into the merit of the case Respondent No.3 is directed to consider and dispose of the pending representation vide Annexures. A/3 as per law within a period of 45 (forty five) days from the date of receipt of copy of this order, and pass a reasoned & speaking order under intimation to the applicant.

6. With the above observation and direction, this O.A. is disposed of at the admission stage itself. No costs.

7. Send a copy of this order along with copy of the O.A. to Respondent No.3 for compliance and free copies of this order be made over to the Ld. Counsel for the parties.

Kalpeswar.


ADMN MEMBER