

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.746 of 2011

Cuttack, this the ~~11th~~ day of December, 2017

CORAM:

THE HON'BLE MR.S.K.PATTNAIK, JUDICIAL MEMBER
THE HON'BLE DR.M.SARANGI, ADMN. MEMBER

SHRI LOKANATH SAMAL, Aged about 59 years, S/o. Late Gobardhan Samal, Resident of At/Po. Santhapada, PS. Talcher, Dist. Angul, Presently working as GDSBPM (I/C), Santhapada, At/Po. Santhapada, PS. Talcher, Dist. Angul.

..... Applicant

By the Applicant : M/s. S.N.Sahoo,
P.R.Bhuyan,
Advocate

-Versus-

1. UNION OF INDIA represented through its Chief Postmaster General, Orissa, Bhubaneswar, Dist. Khurda.
2. Superintendent of Post Offices, Dhenkanal Division, At/Po/Dist. Dhenkanal.
3. Inspector of Post, Talcher Sub Division, Talcher-759100, Dist. Angul.
4. Banita Sahoo, D/o. Antaryami Sahoo, resident of Village-Gurujanguli, Po. Dashipur, Via-Parjang, Dist. Dhenkanal, Pin-759120.

..... Respondents

By the Respondents : Mr.S.K.Patra, ACGSC
(Res.Nos.1to3)
Dr.C.R.Mishra,
Mr. G.Mishra, Mr.H.K. Mallick,
for Res.No.4

S.K. Patra
11/12/17

ORDER

S.K.PATTNAIK, JM:

The case of the Applicant, in nut shell, is that due to retirement of the GDSBPM of Santhapada BO, by the order of the Respondent No.2, dated 01/07/2008 (Annexure-A/1), besides discharging his duties of GDSMC of Santhapada BO in account with Chainpal Colony SO, he managed the work of GDSBPM of the said BO w.e.f. 02.07.2008. He was neither paid the extra remuneration to which he was entitled to under Rules nor his case was considered for regular appointment to the post of GDSBPM and on the other hand, the Respondents without considering his case issued notification inviting application for filling up of the said post. Hence, in this OA, he has prayed for the following reliefs:

“8(i) This Hon’ble Tribunal may graciously be pleased to set aside the selection made in favour of respondent No.4 for the post of GDSBPM, Santhapada BO in a/c with Chainpal Colony SO;

(ii) To direct the respondent Nos. 1 to 3 to allow and disburse the combined duty pay allowance of GDSBPM in favour of the applicant w.e.f. 02/07/2008 till date within stipulated period;

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(iii) To direct the respondent Nos. 1 to 3 to consider the case of the applicant for appointment in the post of GDSBPM, Santhapada BO in account with Chainpal Colony SO in taking into account his experience within stipulated period."

2. Respondents filed their counter. Heard the learned counsel for both sides and perused the records.

3. In course of hearing, the learned counsel for the Applicant has submitted that by efflux of time the prayers in para "8 (i) & (iii) has become infructuous and therefore, he confined his prayer only in respect of the prayer at "8 (ii)" i.e. to direct the respondent Nos. 1 to 3 to allow and disburse the combined duty pay allowance of GDSBPM in favour of the applicant w.e.f. 02/07/2008 till date within stipulated period. Therefore, we do not feel any justification to go into all details relating to the prayers "8 (i) & (ii)" and confined our consideration in so far as the relief at "8 (ii) is concerned.


4. In so far as the relief at "8 (ii)" [supra], Respondents have fairly submitted in paragraph "10" of their counter as under:

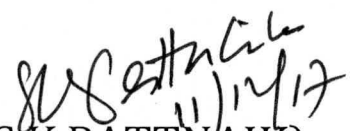
"That in reply to para-4.7 of the original application, it is humbly submitted that the

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respondent No.2 has never denied for payment of combined duty allowance to the applicant and his application is under consideration as per departmental procedure.”

5. But the learned Counsel for the Respondents has fairly concede that he has no instruction as to whether, in the meantime, any payment has been made to the Applicant. In view of the above, we dispose of this Original Application with direction to the Respondents that if the applicant was entitled to combined duty allowance, as per Rules, for the period he was kept under combined duty of GDSCMC & GDSBPM of Santhapada BO, but the same has not been paid till date, the same may be calculated and paid to him within a period of 60 (sixty) days from the date of receipt of a copy of this order. There shall be no order as to costs.


(DR.M.SARANGI)
Member (Judicial)


(S.K.PATTNAIK)
Member (Judicial)