

Ananta Ch. Mallick .... Applicant  
Versus  
Union of India and Ors .... Respondents

1. Order dated 4<sup>th</sup> June, 2009.

C O R A M

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

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Heard Mr. P.K. Padhi, Learned Counsel for the Applicant and Mr. S. Mishra, Learned Additional Standing Counsel for the Union of India on whom copy of this OA has already been served and perused the materials placed on record.

According to the Applicant he was duly selected and appointed to the post of EDBPM of Mahulapal BO on 3.8.1994 and after continuing there for about 6 years for no fault of his services were terminated during September, 2000. On his representation for alternative employment as per the instruction of the DGP&T, although assurance has been given in letter dated 20.4.2005 that his case would receive due consideration while filling up of the post of BPM Chandipal as per rules, no consideration has been <sup>given</sup> to him till date. Hence by filing this OA the Applicant seeks direction to the Respondents to provide him an alternative appointment as per the instructions of the DGP&T especially when his termination was unconnected with any official business. In support of the relief he has also relied on the decision of the Division Bench of this Tribunal in OA No. 216 of 2007 disposed of on 11<sup>th</sup> September, 2008 (Fakir Charan Das v Union of India and others).

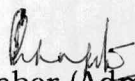
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On a focused question whether the factual aspects of the case relied on by the applicant and the present case are same, Mr. Padhi, Learned Counsel for the Applicant as also Mr. Mishra, Learned Additional Standing Counsel for the Respondents stated affirmatively. Therefore, it is no more necessary to discuss how that case is applicable to the present case.

In view of the above, as agreed to by Learned Counsel for both sides, this OA is disposed of at this admission stage with direction to the Respondents to consider the grievance of the Applicant as raised in this OA as per the Rules/instructions in the light of the decision rendered by this Tribunal in the case of Fakir Charan Das (supra) within a period of 90 (ninety) days from the date of receipt of this order and communicate the result thereof to the Applicant.

Send copies of this order along with OA to the Respondents if applicant deposits the postal requisite for this purpose and free copies of this order be given to Learned Counsel for both sides.

  
Member (Admin.)