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O.A. No. 874 of 2011

Jaga Bandhu Lenka.....Applicant

Vs

Union of India & Ors.....Respondents

Order dated: 05.01.2012

CORAM:

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

&

Hon'ble Shri A.K.Patnaik, Member (Judl.)

Heard Mr. A.N.Sahu, Ld. Counsel for the applicant and Mr. S. Barik, Ld. Addl. Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served.

2. The case of the applicant is that he had joined as EDBPM, Paika Sahi Branch Post Office on 30.03.1974 and was promoted to the post of Extra-Departmental Sub-Post Master, Paika Sahi during 1981. While working as such, during 1983-84 criminal cases were instituted against the applicant by the department. He, having been convicted, challenged the same before the Learned Sessions Judge, Mayurbhanj, Baripada, which set aside the judgment and order of conviction. State of Orissa challenged the said order before the Hon'ble High Court of Orissa. Hon'ble High Court of Orissa vide its order dated

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28.04.2011 dismissed the appeal preferred by the State of Orissa. Ld. Counsel for the applicant submits that after the order of the Hon'ble High Court of Orissa, applicant approached Respondent No. 3 by way of a representation vide Annexure-A/5 dated 16.05.2011 seeking his reinstatement in the post of EDBPM, regularization of his services w.e.f. 12.07.1996 and all service benefits. Having received no response from the Respondents, he has filed the present O.A. with the following prayers:

“.....to admit the case, issue notice to the respondents and after hearing the parties direct the respondents to reinstate the applicant in his post i.e Extra-Departmental Sub-Post Master, Paika Sahi with back wages and increment and all service benefits as admissible under law.”

3. Having heard Ld. Counsel for the parties, we, at this stage, without entering into the merit of the case, deem it proper to send the case before the competent authority to take a decision first on the representation. As agreed to by the Ld. Counsel for the parties, we direct Respondent No. 3 to consider the representation (Annexure-A/5 dated 16.05.2011) and pass a reasoned order within 60 days from the date of receipt of copy of this order.

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5. With the above observation and direction, the O.A. stands disposed of.

5. Send copies of this order, along with copy of the O.A., to Respondent No.3 and free copies of this order be also handed over to the Ld. Counsel appearing for the parties.

Alka
MEMBER(Judl.)

Ch. P. K.
MEMBER(Admin.)

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