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O.A. No. 162 of 2010

Order dated: 06.04.2010

CORAM:

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

Heard Mr. S.K.Ojha, Ld. Counsel for the applicant and Mr. S.Mishra, Ld. Additional Standing Counsel appearing for the Respondents on notice.

2. Applicant has approached this Tribunal to quash Annexure-A/8 order dated 04.03.2010 and to direct Respondents to treat the strike period as well as training period and service rendered as Ex-Departmental employee as qualifying duty and grant the pension and pensionary benefits to the applicant.

3. Applicant had approached this Tribunal earlier in O.A. No. 79/2009 for a direction to the Respondents to consider his initial appointment in the promotional post w.e.f. 06.10.2008 and accordingly his qualifying service. This Tribunal disposed of the said O.A. with a direction that applicant should make a representation in this regard to Respondent No.2 within two weeks hence and if such representation is filed, Respondent No.2 shall examine the

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service records of the applicant keeping in view the instructions for counting the training period followed by immediate appointment and dispose of the same within a period of 45 days from the date of receipt of this order by passing a reasoned and speaking order.

4. Thereafter, the representation (Annexur-A/7) filed by the applicant has been rejected vide Annexure-A/8 letter issued by the Superintendent of Post Offices, Bhadrak Division in a sentence stating that "it is intimated by the Accounts Officer(Pension), O/o the D.A..(P) Cuttack that you are not eligible for pension".

5. The above rejection order shows that the order of this Tribunal has not been carried out in its true spirit. Since, the representation has been rejected without any reasoned order, the same tantamount to the violation of the Tribunal's order.

6. In the above circumstances, I direct Respondent No.3 (Respondent No.2 in the earlier O.A.) to reconsider and dispose of the representation at Annexure-A/7 with a reasoned and speaking order within 45 days from the date of receipt of a copy of this order. While doing so, the averments

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averments made in the present O.A. shall also be taken into consideration.

7. With the above observation and direction, the O.A. is disposed of at the stage of admission itself.

8. Send copy of this order, along with copy of the O.A., to Respondent No.3 for compliance.


~~MEMBER (A)~~

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