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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

OA No.311 of 2010

Bichitrana Patta Nayak Applicant
-Versus-

Union of India & Ors. Respondents

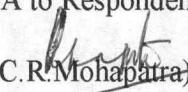
1. Order dated: the 9th June, 2010.

C O R A M:
THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (A)

The grievance of the Applicant is that he was appointed as a Driver in Jawahar Navodaya Vidyalaya and continuing in the post since 1998. On being surplus, as per the policy decision of the Respondent's Department, he is stated to have been adjusted in the post of Store keeper in the JNV, Munduli, Cuttack like other similarly situated employees. It is the contention of the Applicant that when Respondents took action to fill up the said post without considering his case for regularization against the post of Store keeper, as a surplus employee, he represented under Annexure-A/8 dated 28.04.2010 for his regularization against the said post of store keeper. It is seen that the said representation was also forwarded by the Respondent No.3 to the Respondent No.2 under Annexure-A/9. But apprehending filling up of the post against which the applicant is continuing even before any decision is taken and communicated on his representation, he has approached this Tribunal in the present OA seeking direction to the respondent No.2 to consider the case of applicant for permanent absorption in the post of Store keeper in view of the policy decision under Annexure-A/3. Heard Mr.K.P.Mishra, Learned Counsel for the Applicant and Mr. S.Mishra, Learned ASC appearing on notice for the Respondents and perused the materials placed on record. Mr.Mishra, Learned ASC seeks time to take instruction. But it is submitted by Mr.Mishra, Learned Counsel for the Applicant that as the

representation under Annexure-A/8 is still pending, instead of issuing notice this OA may be disposed of with direction to the Respondent No.2 to take a final decision on the pending representation of the applicant and communicate the result thereof to the applicant and till then status quo on the position of the applicant shall be maintained. I consider the aforesaid submission of the Learned Counsel for the Applicant to be just and fair. This was also agreed to by the Learned ASC appearing on notice for the Respondents. Hence, this OA is disposed of at this admission stage with direction to the Respondent No.2 to consider the representation of the applicant under Annexure-A/8 which was forwarded under Annexure-A/9 and communicate the result of such consideration to the applicant within a period of thirty days hence. Till such time, status quo on the continuance of the applicant in the present assignment shall be maintained.

Send copies of this order along with OA to Respondent No.2.


(C.R. Mohapatra)
Member (Admn.)