

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. No. 260/00734 OF 2016
Cuttack, this the 8th Day of December, 2016

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (J)

.....

Sabir Kumar Dalbehera, aged about 28 years, S/o. Madhusudan Dalbehera, Village/P.O. Padangi, Via-Sarangada, Dist- Kandhamal, presently working as GDSBPM (Gramin Dak Sevak Branch Post Master), At-Padangi Branch Office, Sarangada Sub-Post Office, Phulbani Postal Division, Dist- Kandhamal.

..... Applicant

(By the Advocates - M/s. P.K. Jena, D.P. Mohapatra)

-VERSUS-

Union of India Represented through its

1. Director General of Posts, Dak Bhawan, New Delhi-110 001.
2. Chief Post Master General, Odisha Circle Bhubaneswar, At/P.O. Bhubaneswar, Dist. Khordha.
3. Superintendent of Post Offices, Phulbani Division, Phulbani, At/P.O. Phubani-762 001.
4. Inspector of Posts, G. Udayagiri Sub-Division, G. Udayagiri-762100 (In-Charge, Baliguda Sub-Division).
5. Basant Kumar Parichha, aged about 34 years, S/o. Pratap Parichha, Village/P.O./P.S. Bamunigaon, Dist-Kandhamal, presently working as Postman in Baliguda S.O., At/P.O. Baliguda, Dist- Kandhamal.
6. State of Odisha, represented by its Secretary to Government, Revenue and Disaster Management Depatment, Secretariate Building, Bhubaneswar.
7. Tahasildar, Daringbadi, At/P.O. Daringbadi, Dist. Kandhamal.

..... Respondents

(By the Advocate - Mr. B.P. Nayak, Ld. ACGSC, & Mr. J.Pal, Ld.
Govt. Adv. for the State of Orissa)

.....



ORDER (ORAL)

A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. P.K. Jena, Learned Counsel for the Applicant and Mr. B.P. Nayak, Learned Standing Counsel appearing for Respondents-UOI, on whom a copy of this O.A. has already been served and perused the records.

2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 praying for a direction to the Departmental Respondents, more particularly to the Respondent Nos. 2, 3 & 4, to take necessary action to quash the order of promotion of the Respondent No.5 under Annexure-4 to the post of Postman under Phulbani Division and further the Departmental-Respondents be directed to take necessary action for appointing the Applicant to the post of Postman under Phulbani Division against the post presently held by the Respondent No.5.

3. The short fact of the applicant's case is that he while working as GDSBPM, Padangi under Phulbani Division appeared in a Limited Departmental Competitive Examination for promotion to the post of Postman against the post reserved for Scheduled Caste candidate. Respondent No.5 also appeared for the said post and got selected. The grievance of the applicant is that although the Caste Certificate submitted by Respondent No.5 was not genuine and the same was, subsequently, cancelled by the competent authority, i.e. Respondent No.7, still then he is continuing in the said post. The applicant's stand is that both he and Respondent No.5 had secured 74 marks and as the Caste Certificate

Wille

8

submitted by Respondent No.5 was found not to be genuine and it has already been cancelled, he should have been given promotion to the cadre of Postman. Mr. Jena, Ld. Counsel for the applicant, submitted that despite giving several representations to the authorities till date no action has been taken for his promotion to the cadre of Postman. He submitted that applicant's latest representation dated 22.07.2016 under Annexure-10 (series) is still pending consideration before Respondent No. 2.

4. Since the representation of the applicant is stated to be pending before the Respondent No.2, without going into the merit of the matter, I dispose of this O.A. at this admission stage with direction to Respondent No.2 to consider the aforesaid representation, if at all filed and is still pending consideration, as per rules and regulations in force and communicate the result thereof to the applicant by way of a well reasoned order within a period of two months from the date of receipt of a copy of this order. Though, I have not expressed any opinion on the merit of the matter and all the points raised in the representation are kept open for the authorities to consider the same still then I hope and trust that if the applicant is found to be entitled to the relief claimed by him then expeditious steps be taken to extend the said benefit to him within a further period of two months from the date of such consideration. If in the meantime the said representation has already been considered and disposed of by the Respondents then the result thereof be communicated to the


Alles

9

applicant within a period of two weeks from the date of receipt of copy of this order.

5. With the aforesaid observation and direction, the O.A. is disposed of at the stage of admission itself. No costs.

6. Copy of this order along with paper book be communicated to the Respondent 2 and 3 by Speed Post for which Mr. Jena, Ld. Counsel for the applicant, undertakes to file the postal requisites by 13.12.2016.


(A.K.PATNAIK)
MEMBER (J)

DS