

3

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00854 OF 2016
Cuttack, this the 2nd day of December, 2016

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

Kesab Chandra Nayak,
aged about 56 years,
Son of Late Ganesh Prasad Nayak,
Of Vill- Mishrapur, PO- Kantapari,
Via- Dasrathpur, PS- Dhamnagar, Dist- Bhadrak,
Ex-GDSMD cum MC of Mamadulla BO.

...Applicant

(By the Advocate - M/s. T.Rath, A.K.Rout)

-VERSUS-

Union of India Represented through its

1. Secretary, Department of Posts, Dak Bhawan, New Delhi-110001.
2. Chief PMG, Odisha Circle, At- Bhubaneswar, PO- Bhubaneswar GPO-751001, District-Khurda.
3. Superintendent of Post Office, Cuttack North Division, At- Cantonment Road, PO/Dist- Cuttack-753001.
4. Asst. Superintendent of Posts, IC Jajpur Sub Division, At/PO/Dist- Jajpur-755001.

...Respondents

(By the Advocate - Mr. A.K.Mohapatra)

ORDER (ORAL)

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

Heard Mr. T.Rath, Ld. Counsel for the Applicant, and Mr. A.K.Mohapatra, Ld. Addl. Central Govt. Standing Counsel appearing for the Respondent, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 praying the following relief:

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4

“a) That the Respondents may be directed to consider the case of the appointment for re-engagement in the vacant post of GDSMD/MC, Mamadulla BO which is lying vacant.

OR in the alternative direct the respondents to re-engage the applicant in any other GDS vacant post in terms of their commitment under Annexure-A/9 and the direction of this Hon’ble Tribunal.

b) And pass appropriate orders.....”

3. The short facts of the case of the applicant are that he had initially joined as EDDA cum MC, Mamadulla Branch Post Office duly selected on provisional basis on 01.05.1998, however, due to filing of some court case by one Abinash Sahoo before this Tribunal, he was disengaged from the said post on 14.02.2001. Thereafter, he again joined as EDDA/MC, Mamadulla BO on 04.04.2001. While the applicant was working as GDSMD/MC, Mamadulla BO, on 02.11.2004 his services were terminated without any notice. As no heed was paid to his various representations, he approached this Tribunal in O.A. No. 840/2006, which was disposed of on 19.05.2009 (Annexure-A/8) with the following directions:

“7. However, keeping in view the long standing association of the applicant with the Respondent-Department, the applicant, if so advised, may make a representation to the concerned authorities for his engagement against any vacancy and in the even any such representation is made, the Respondent-Department may consider the same, keeping in view the loyalty, integrity and devotion of duty which the applicant had been exposed in course of his employment as EDDA/MC.”

In pursuance of the above order, the applicant has been intimated by Respondent No.3 vide Annexure-A/9 dated 15.02.2011 that restriction has been imposed on recruitment and his case will be considered in future as and when notification will be made to fill up any GDS post of Jajpur Sub Division.



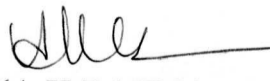
5

Mr. T.Rath, Ld. Counsel for the applicant, submitted that after issuance of letter dated 15.02.2011, the applicant approached the Respondent No.3 in the year 2015 vide Annexure-10 series but no reply has been communicated to him till date.

4. Since the representations of the applicant is stated to be pending with Respondent No.3, without going into the merit of the matter, I dispose of this O.A. at this admission stage with direction to Respondent No.3 to consider the representation under Annexure-A/10 series, if at all filed and is so pending, and pass a reasoned and speaking order by scrupulously following Annexures-A/8 and A/9 and communicate the result thereof to the applicant within a period of three months from the date of receipt of a copy of this order. I make it clear that if the applicant is found to be entitled to the relief claimed by him then expeditious steps be taken within a further period of three months from the date of such consideration for redressal of his grievance. If, in the meantime, the representation of the applicant has already been disposed of then the result thereof be communicated to the applicant within a period of four 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 Resp. No. 3 by Speed Post at the cost of the applicant for which Mr. Rath, Ld. Counsel for the applicant, undertakes to file the postal requisites by 06.12.2016.


(A.K.PATNAIK)
MEMBER (J)