

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

Original Application No. 260/00204 of 2015
Cuttack, this the 22nd day of April, 2015

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

.....

Nila Prasad Tanty,
aged about 38 years,
S/o late Mahesh Prasad Tanty,
Of Vill- Jalda 'A' Block Po-Jalda C Block,
Rourkela-769043, PS-Raghunathpalli,
Dist-Sundargarh,
At present working in the post of GDS
Rourkela-Khuntagaon Line,
Under Sundargarh Division.

...Applicant
(Advocates: Mr. T.Rath)

VERSUS

Union of India Represented through

1. Secretary-cum-Director General (Posts),
Dak Bhawan, New Delhi-110001.
2. Postmaster General,
Sambalpur Region,
At/PO-Sambalpur-768001,
Dist-Sambalpur.
3. Sr. Superintendent of Post Offices,
Sundargarh Division,
At/PO- Sundargarh-770001.
4. Inspector Posts,
Rourkela West Sub Division,
Rourkela-769012.

... Respondents

(Advocate: Mr. S. Behera)

.....



ORDER (ORAL)

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

Heard Mr. T.Rath, Ld. Counsel for the Applicant, and Mr. S.Behera, Ld. Sr. Central Govt. Panel Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. The applicant in this present O.A. filed under Section 19 of the Administrative Tribunals Act, 1985 prays for a direction to the Respondents to issue regular appointment order by ignoring artificial breaks in terms of the judgment of the Hon'ble Apex Court in the case of Sri Rabinarayan Mohapatra Vs State of Orissa and other, AIR 1991 SC 1286. The case of the applicant is that he was provisionally appointed in the post of GDS MC on 22.07.2011 by Respondent No.3 and his provisional appointment has been extended time and again in different spells with artificial breaks. His grievance is that he has rendered more than three years continuous approved service since 22.07.2011 and as per the DG (Posts) letter No. 43-4/77-Pen dated 18.05.1979 he is entitled for permanent appointment in the said post but despite his several approaches, Respondent No. 4 is not issuing the permanent appointment order. Mr. Rath, Learned Counsel for the Applicant, submitted that ventilating his grievance the applicant preferred a representation dated 01.01.2015 to Sr. Superintendent of Post Offices, Sundargarh Division, i.e. Respondent No.3, vide Annexure-A/3 but till date he has not received any reply.

3. Taking into account the submission made by Mr. Rath, Ld. Counsel for the applicant, without expressing any opinion on the merit of the case, we dispose of this O.A. at this admission stage by directing

Walter

Respondent No. 3 to consider and dispose of the representation dated 01.01.2015, if the same has been filed and is still pending consideration, as per the present rules and regulations as well as law in force and pass a well reasoned order and communicate the same to the applicant within a period of three months from the date of receipt of a copy of this order. It is made clear that till the representation is considered and result communicated to the applicant, no coercive action will be taken against the applicant. However, if in the meantime said representation has already been disposed of then the result thereof be communicated to the applicant within a period of one month from the date of receipt of a copy of this order.

4. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

5. On the prayer made by Mr. Rath, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent Nos. 3 and 4 by Speed Post for which he undertakes to file the postal requisites by 24.04.2015.


(A.K.PATNAIK)
MEMBER(Judl.)

K.B.