

3

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

Original Application No. 260/00286 of 2015
Cuttack, this the 21st day of May, 2015

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (J)
HON'BLE SHRI R.C.MISRA, MEMBER (ADMN.)

.....

Nizamuddin Khan,
aged about 50 years,
S/o Late Newaz Hussain Khan,
At/PO- Tarikund, Dist- Jagatsinghpur,
GDS Packer/MC Damdapara S.O. (under POD).

...Applicant

(Advocates: M/s. P.R.J.Dash, M.P.J.Ray)

VERSUS

Union of India Represented through its

1. Secretary-cum-Director General of Posts,
Dak Bhawan, Sansad Marg,
New Delhi-110116.
2. Chief Post Master General,
Odisha Circle, Bhubaneswar,
Dist- Khurda- 751001.
3. Director Postal Services (HQRS Region),
At/PO- Bhubaneswar,
Dist- Khurda-751001.
4. Superintendent of Post Offices,
Cuttack South Division,
Cuttack - 753001.
5. Asst. Superintendent of Post Offices,
Jagatsinghpur Sub- Division,
At/PO/Dist- Jagatsinghpur - 754103.

... Respondents

(Advocate: Mr. A. Pradhan)

.....



ORDER (ORAL)

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

Heard Mr. P.R.J.Dash, Ld. Counsel for the Applicant, and Mr. A. Pradhan, Ld. Addl. Central Govt. Standing 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. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

“.....to quash Annexure-A/1 and A/2 and direct to reinstate the applicant in service forth with and to declare the order at Annexure-A/1 and A/2 are not in existence after six months and to treat the applicant to be in service with all consequential benefits including 12% interest, cost and compensation.

And any other order.....”

3. Facts of the case, as reveals from the record, are that the applicant was appointed as EDSPM, Tarikund S.O. in the year 1982. Applicant's grievance is that though he has rendered more than 33 years of unblemished service, on 03.09.2014 Respondent No.5 in exercise of powers conferred under Rule 12(1) of GDS (Engagement and Conduct) Rules, 2011 passed the order of put off duty without any basis and, accordingly, he has been put under off duty since 04.09.2014. Respondent No.4 vide order dated 09.09.2014 confirmed the put off duty. Mr. Dash, Ld. Counsel for the applicant, submitted that applicant made representations on 26.03.2015 (Annexure-A/6) and on 04.04.2015 (Annexure-A/7) to Respondent Nos. 3 and 4 respectively but till date he has received no response from the above authorities.

4. Taking into account the submission made by Mr. Dash, 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 Respondent Nos. 3 and 4 to consider




and dispose of the representations as at Annexure-A/6 and A/7, if the same have been filed and are still pending consideration, with a well reasoned order and communicate the same to the applicant within a period of 60 days from the date of receipt of a copy of this order. However, the points raised by the applicant in his representations will be kept open for the authorities to consider the same as per the law and rules in force.

However, if in the meantime the said representations have already been disposed of then the result thereof be communicated to the applicant within a period of two weeks from the date of receipt of a copy of this order.

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

6. On the prayer made by Mr. Dash, 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 22.05.2015.


(R.C.MISRA)
MEMBER(Admn.)


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