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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

Original Application No. 260/00319 of 2015  
Cuttack, this the 19<sup>th</sup> day of June, 2015

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

.....

Rabindra Nath Nayak,  
aged about 56 years,  
S/o Harihar Nayak,  
Vill/PO- B.Karadabadi, Via- Karchuli, Dist- Ganjam,  
At present serving as  
G.D.S. BPM in addition to G.D.S. MD,  
B. Karadabadi Branch Post Office,  
in account with Karchuli Sub Post Office,  
under Bhanjanagar Head Post Office, Gm.

...Applicant

(Advocates: M/s. G.K.Behera, D.R.Mishra)

**VERSUS**

Union of India Represented through its

1. D. G. of Posts,  
Dak Bhawan, Sansad Marg,  
New Delhi.
2. Chief Post Master General,  
Odisha Circle, Bhubaneswar,  
Dist- Khurda.
3. Post Master General,  
Berhampur Region,  
Berhampur, Dist- Ganjam.
4. Superintendent of Post Offices,  
Aska Division,  
Aska (Gm.)-760001.

... Respondents

(Advocate: Mr. S. Behera )

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**ORDER (ORAL)**

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

Heard Mr. D.R.Mishra, 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. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

“i. Hold/declare that the action of the Respondents in not absorbing the applicant against the post of GDS BPM of B. Karadabadi Branch Post Office is bad and illegal.

ii. Direct the respondents to absorb the applicant against the post of GDS BPM of B. Karadabadi Branch Post Office immediately w.e.f. 31.03.2013 from the date the applicant has been discharging the duties of GDS BPM of B. Karadabadi Branch Post Office.

iii And pas any such other order.....”

3. Case of the applicant in nutshell is that he was appointed as E.D.D.A, now GDA MD, of B. Karadabadi Branch Post Office on 01.08.1985. While continuing as such, on 31.12.2012 he was directed to manage the duties of GDS BPM of the same Branch Post Office in addition to his own duties w.e.f. 31.03.2013 on account of retirement of one Sri Rajendra Kumar Nayak, GDS BPM. Accordingly, he discharged the combined duties w.e.f. 31.03.2013. The apprehension of the applicant is that though he has been discharging the duties of GDS BPM of B. Karadabadi BO and is also eligible for the said post, a fresh selection may be made to fill up the said post. Mr. Mishra, Ld. Counsel for the applicant, submitted that apprehending the same, applicant made representation on 10.02.2015 vide Annexure-A/3 before



Respondent No.4 praying for his absorption against the post of GDS BPM of B. Karadabadi BO and having received no response he has filed this O.A.

4. In view of the above, since the representation of the applicant is stated to be pending, without expressing any opinion on the merit of the case, I dispose of this O.A. at this admission stage by directing Respondent No. 4 to consider and dispose of the representation (Annexure-A/3), if the same has been preferred by the applicant and is still pending consideration, with a well reasoned order and communicate the same to the applicant within a period of one month from the date of receipt of a copy of this order. However, the points raised by the applicant in his representation are kept open for the authorities to consider the same as per the rules and regulations in force. If after such consideration the applicant is found to be entitled to the relief claimed by him then expeditious steps be taken preferably within a further period of six months from the date of such consideration to grant the said benefit to the applicant. If in the meantime the said representation has 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. Mishra, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 4 by Speed Post for which he undertakes to file the postal requisites by 24.06.2015.

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