

5

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

Original Application No. 260/00340 of 2015

Cuttack, this the 1<sup>st</sup> day of July, 2015

**CORAM**

**HON'BLE SHRI R.C.MISRA, MEMBER (ADMN.)**

.....

1. Subhashree Ranjan Behera, aged about 35 years, S/o Mana Ranjan Behera, At: Pareswar Sahi, PO: College Square, Dist: Cuttack.
2. Laxmikanta Nayak, aged about 38 years, S/o Gour Ch. Nayak, At: Ranihat, Malisahi, Dist: Cuttack.
3. Goluranga Charan Sahoo, aged about 39 years, S/o Duryodhan Sahoo, At: Balabhadrapur, PO: Mahan, Via: Rameswar, Dist: Cuttack.
4. Akshaya Kumar Sutar, aged about 43 years, S/o Basudev Sutar, At: Chauliaganj (Matha Sahi), Dist: Cuttack.
5. Sk. Abtab Uddin, aged about 46 years, S/o Sk. Amin Uddin, At: Satabatia, PO: Madhyakachha, Dist: Cuttack.
6. Benudhar Behera, aged about 41 years, S/o Babaji Behera, At: Imman Nagar, PO: Bhairpur, Dist: Cuttack.
7. Himanshu Sekhar Mallick, aged about 43 years, S/o Golekha Bihari Mallick, At/PO: Harisinghpur, Via: Kanakpur, Dist: Jagatsinghpur.
8. Sangram Keshari Sill, aged about 37 years, S/o Dhirendra Kumar Sill, At: Khatabin Sahi, PO: Tulasipur, Dist: Cuttack.
9. Saroj Kumar Rout, aged about 28 years, S/o Jatadhari Rout, At: Itanaga, PO: Begunia, Dist: Jagatsinghpur.



10. Subrat Kumar Sarangi, aged about 30 years, S/o Sarat Ch. Sarangi, At: Purbakachha, PO: Madhyakachha, Dist: Cuttack.
11. Dipti Kanta Biswal, aged about 33 years, S/o Dharendranath Biswal, At: Anandpur, PO: Chasakhanda, Dist: Cuttack.
12. Gouri Shankar Nanda, aged about 30 years, S/o Susil Kumar Nanda, At: Dadapur, PO: Kadapada, Dist: Jagatsinghpur.
13. Bijaya Kumar Das, aged about 25 years, S/o Bhramarbar Das, At: Balabhadrapur, PO: Mohan, Via- Rameswar, Dist: Cuttack.
14. Malaya Kumar Rout, aged about 34 years, S/o Benudhar Rout, At: Bitimira, PO: Biridi Road, Dist: Jagatsinghpur.
15. Lokanath Behera, aged about 28 years, S/o Chitta Ranjan Behera, At: Pareswar Sahi (Jobra), PO: College Square, Dist: Cuttack.
16. Abhisek Jena, aged about 25 years, S/o Antaryami Jena, At: Poparada, PO: Nayabazar, Dist: Cuttack.
17. Biswambar Nath Parida, aged about 25 years, S/o Bijaya Parida, At: Rajabagicha, Sarbodayapur, PO: Telengabazar, PS: Badambadi, Dist: Cuttack.
18. Santosh Kumar Parida, aged about 22 years, S/o Late Sudhakar Parida, At: Kulakalapada, Via: Bentakar, Dist: Cuttack.
19. Dipti Ranjan Biswal, aged about 33 years, S/o Gurubari Biswal, At: Purusottampur, PO: Sisua, Dist: Cuttack.

(All are working as Substitutes under Sr. Superintendent RMS 'N' Division, Cuttack).

...Applicants

(Advocates: Mr. B.S.Tripathy-1 )

**VERSUS**

Union of India Represented through its

1. Director General of Posts, Dak Bhawan, New Delhi.



2. Chief Postmaster General, Odisha Circle, Bhubaneswar-751001, Dist.- Khurda.
3. Senior Superintendent, RMS 'N' Division, Cuttack-753001.

... Respondents

(Advocate: Mr. P.K.Mohanty )

.....

### **O R D E R (ORAL)**

#### **R.C.MISRA, MEMBER (ADMN.):**

Misc. Application No.436/13 for permission to jointly prosecute this O.A. is allowed subject to payment of Rs.50/- in the shape of IPO in respect of each of the applicants except applicant No.1.

2. Heard Mr.B.S.Tripathy-1, learned counsel for the applicant, and Mr.P.K.Mohanty, learned ACGSC for the Respondents.

3. It is the case of the applicants that they have been continuing as Substitutes in RMS 'N' Division since a pretty long time, but they are not being considered for conferment on them full time casual labour status and/or temporary Group-D status. Applicants have made representations making such a prayer to the CPMG, Respondent No.2 on



28.4.2015. On perusal of the representation, it is found that the applicants have been continuing from various dates commencing from 1991, 1998, 1999 etc. There are also some applicants who have been working as Substitutes from the years 2006, 2010, 2012 etc. Therefore, the periods of working of the applicants as Substitutes in the Department are different in each ~~this~~ case. In the representation, applicants have also mentioned that similar grievances of similarly placed casual labourers were considered by this Tribunal in O.A.No.227 of 2011 and the orders in this case were passed on 8.5.2012, which was confirmed by the Hon'ble High Court of Orissa vide judgment dated 5.5.2014 arising out of WP(C) No. 20506/2012. Applicants are claiming similar relief in this case. It is also brought to my notice by the learned counsel for the applicants that in the meantime, the Department have brought out a notification dated 15.4.2015 by which they have invited applications from the eligible candidates for recruitment as GDS in Postal and RMS Division of Orissa Circle and there is no provision which enables the applicants to make applications in that behalf to the Department.



However, since a representation has been made and is said to be pending before Respondent No.2, without going into the merits of this case, I direct Respondent No.2 to consider and dispose of the representation and communicate the decision thereon to the applicants through a well-reasoned order within a period of sixty days from the date of receipt of this order.

6. With the aforesaid observation and direction, this O.A. stands disposed of at this admission stage. No costs.

7. On the prayer made by Mr. Tripathy-1, Learned Counsel appearing for the applicants, copy of this order, along with paper book, be sent to Respondent No. 2 by Speed Post for which he undertakes to file the postal requisites by 03.07.2015.



(R.C.MISRA)

MEMBER(Admn.)