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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No.260/00355 of 2015
Cuttack, this the 7th day of July, 2015

CORAM

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

Akshya Kumar Swain,
aged about 53 years,
Son of Budhi Swain,
SPM, Banigochha SO,
Resident of At/PO. Benagadia,
Vill/P.S. Khandapada,
District-Nayagarh.

..... Applicant

(Advocates: Mr. B. Moharana, D. Chhotray)

VERSUS

Union of India Represented through

1. Director General of Posts,
Ministry of Communications,
Department of Posts,
Dak Bhawan, Sansad Marg,
New Delhi-110 001
2. Chief Postmaster General,
Odisha Circle, Bhubaneswar,
Dist-Khurda-751001.
3. The Superintendent of Post Offices,
Puri Division, Puri-1

..... Respondents

(Advocate: Mr. P.K. Mohanty)

ORDER(Oral)

A.K. PATNAIK, MEMBER (J):

Heard Mr. B. Moharana, Learned Counsel appearing for the Applicant and Mr. P.K. Mohanty, Ld. ACGSC appearing for the Respondent, on whom a copy of this O.A. has already been served, and perused the materials placed on record.



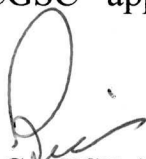
2. The facts of the case are that on 09.01.1993 the applicant joined as Postal Assistant (P.A.) Thereafter on 09.01.1999 the applicant ^{was} promoted to LSG cadre after completion of regular service of 16 years. The applicant was entitled to be promoted to HSG-II cadre after completion of eight years in LSG Cadre and to be promoted to HSG-I after three years of regular service in HSG-II cadre but the applicant has not been promoted/granted the said benefit of the HSG-II and HSG-I from the date of his entitlement. Similar issue has been decided by this Bench of the Tribunal in O.A. No.1196/04 disposed of on 23.07.08 which has been upheld by the Hon'ble High Court of Orissa in W.P.(C) No.16269/08 as well as by the Hon'ble Apex Court in SLP (C) No.39630/12. Pursuant to the order passed by the Tribunal which was upheld by the the Hon'ble High Court of Orissa and the Hon'ble Apex Court Respondent No.1 vide letter dated 23.01.2015 promoted the similarly placed employees to the cadre of LSG granting them benefit of TBOP and after eight years in the cadre of LSG has been granted promotion to HSG-II and after three years in HSG-II has been given promotion to HSG-I notionally. In response to letter dated 23.01.2015 of Respondent No.1, Respondent No.2 vide letter dated 04.02.2015 has issued the order of promotion to the similarly situated employees to the cadre of LSG/HSG-II and HSG-I notionally. The applicant in the present O.A. is similarly situated employee and made representation dated 24.03.2015 (Annexure-A/4) to Respondent NO.2 praying therein to extend the similar benefit as has been extended to the similarly placed persons. The representation of the applicant has been rejected vide letter dated 10/13.04.2015 (Annexure-A/5) stating therein that the order passed by the Tribunal is applicable to those officials who had filed those cases, hence rejected. Therefore, he has approached this Tribunal in the present O.A. with a prayer to



quash the order dated 10/13.04.2015 under Annexure-A/5 and issue a direction to the respondents to treat the promotion to LSG as regular promotion and promote the applicant to HSG-II after eight years of LSG and HSG-I after three years of HSG-II cadre retrospectively with all consequential benefits.

3. We have gone through the order dated 10/13.04.2015 vide Annexure-A/5 and find that the same has been passed without taking into account the points raised in the representation and appears to be a cryptic order. Accordingly, we quash Annexure-A/5 and remit the matter back to the Respondent No.2 again to reconsider the case of the applicant as per Annexure-A/1 and as per rules, regulations and law in force within a period of one month from the date of receipt of copy of this order.

4. On the prayer made by Mr. B. Moharana, Ld. Counsel for the applicant, copy of this order, along with paper book, be sent to Respondent No.2 by Speed Post at the cost of the applicant for which he undertakes to file the postal requisites by 10.07.2015. Free copy of this order be given to Mr. P.K. Mohanty, Ld. ACGSC appearing for the Respondent.


(R.C.MISRA)
MEMBER(A)


(A.K.PATNAIK)
MEMBER(J)