

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 260/0058 of 2015
Cuttack, this the 18th day of February, 2015

~~CORAM~~

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

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1. Ashok Kumar Mishra, 56 years, S/o late Maheswar Mishra.
2. Jatindra Nath Patra, aged about 52 years, S/o Sri Bandhu Patra, At- Kanapur, PO- Bagalsahi, Via/PS- Naidi, Dist- Cuttack.
3. Subash Chandra Panda, aged about 53 years, S/o Sri Fakir Mohan Panda, At- Banga, PO- Harirajpur, Dist- Puri, PS- Pipili.
4. Rajani Kanta Sethi, aged about 57 years, S/o Gobinda Chandra Sethi, At/ PO/PS- Ptia, BBSR, Dist- Khurda.
5. Basanta Kumar Das, aged about 53 years, S/o Late Alkha Chandra Das, At- Khandlo, PO/PS- Jagasinghpur, Dist- Jagasinghpur.
6. Srikanta Rath, aged about 53 years, S/o Golakha Chandra Rath, At- Anandpur, PO- Chasakhand, PS- Mahanga, Dist- Cuttack.
7. Pravat Kumar Pattnaik, aged about 57 years, S/o Banshidhar Pattnaik, At- Kadhamalla, PO- Thanapalli, Via- Kalapathar, Dist- Cuttack.
8. Tusr Kanti Mohanty, aged about 52 years, S/o Late Kedar Mohanty, At/PO- Birol, Chaudwar, Dist- Cuttack.
9. Bibhuti Bhushan Mohapatra, aged about 51 years, S/o Kunja Pradhan, At- Kharigarh, PO- Bagalsahi, Via/PS- Niali, Dist- Cuttack.
10. Bhramarabara Behera, aged about 49 years, S/o Late Niranjan Behera, At/PO- Brahmakundi, Dist- Puri.
11. Panchanan Moharana, aged about 53 years, S/o Late Balaram Moharana, At- Kokal, PO- Gababasta, PS- Sadar, Dist- Cuttack.
12. Sarat Kumar Nayak, aged about 52 years, S/o Late Prana Nath Nayak, At/PO- Ghoradia, Via/PS- Delanga, Dist- Puri.
13. Kartik Chandra Mallick, 54 years, S/o Late Gopala Mallick, At- Polasara, PO- Bagalsahi, Via/PS- Niali, Dist- Cuttack.
14. Gunanidhi Behera, aged about 49 years, S/o Sankar Behera, At- Panchupalli, PO- Retanga, PS- Airfield, Dist- Khurda.
15. Abhaya Kumar Mohanty, aged about 47 years, S/o Nabkishore Mohanty, At- Chalda, PO- Janla, PS- Jatni, Dist- Khurda.
16. Rama Pati Mukharjee, aged about 54 years, S/o Late Shakti Prasad Mukharjee, At/PO- Budheswari Colony (Plot No. 76), Dist- Khurda.

(All are working as GDS MM O/o SRO Bhubaneswar under
Sr. Superintendent RMS 'N' Division, Cuttack.)

...Applicants



(Advocates: Mr. F.K. Pandhi**VERSUS**

Union of India Represented through

1. Director General of Posts,
Dak Bhawan, Sansad Marg,
New Delhi-110116.

2. Chief Postmaster General,
Odisha Circle,
Bhubaneswar-751001.

3. Sr. Superintendent,
RMS 'N' Division,
Cuttack-753001,

4. Sub-Record Officer,
RMS 'N' Division,
Bhubaneswar-751001.

5. Narendra Kumar Parida,
Part time Casual Labour.

6. Jagabandhu Mohapatra,
Part time Casual Labour.

7. Chaitanya Ransingh,
Part time Casual Labour.

8. Pradeep Kumar Nanda,
Part time Casual Labour.

9. Sanatan Behera,
Part time Casual Labour.

10. T. Lingaraj,
Part time Casual Labour.

11. Sanat Kumar Sahoo,
Part time Casual Labour.

12. Rama Chandra Dash,
Part time Casual Labour.

13. Kedarnath Pradhan,
Part time Casual Labour.

14. Golak Baral,
Part time Casual Labour.



15. Upendra Bhanja,
Part time Casual Labour.

16. Sudhir Kumar Khandual,
Part time Casual Labour.

17. Sarat Chandra Das,
Part time Casual Labour.

18. Prakash Chandra Sahoo,
Part time Casual Labour.

19. Surendra Kumar Jena,
Part time Casual Labour.

(All are working in O/o SRO RMS 'N' Division, Bhubaneswar-751001).

... Respondents

(Advocate: Ms. S.Mohapatra)

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O R D E R (ORAL)

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

Heard Mr. P.K.Padhi, Learned Counsel for the Applicants, and Ms. S.Mohapatra, Ld. Addl. Central Govt. Standing Counsel appearing for the Departmental-Respondents, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. M.A. No. 99/15 filed by the applicants to prosecute this case jointly is allowed subject to payment of Rs. 50/- per applicant, except applicant No.1.

3. The case of the applicants is that they are working as Gramin Dak Sevaks in RMS 'N' Division, Cuttack in the office of Sub-Record-Officer (SRO) and have rendered 25-32 years of service, however, they have not yet been regularized as MTS even if there are vacancies in their office. It has been further submitted that they have also managed the work of Mail Man/MTS of Bhubaneswar SRO Office for years together. Their grievance is that Respondent



Nos. 5 to 19 were working as substitutes in leave vacancies of applicants during the year 1989-1994 and, after ban of part time workers on casual basis in the year 1993, they worked on daily wage basis as part time workers, however, as per order dated 05.08.2014 they have been treated as Part time casual labourers but applicants' case have not been considered for regularization as MTS. Accordingly, they have filed this O.A. with the following reliefs:

“.....to direct the Respondents to consider the case of the applicants for regularization as MTS against GDS quota and declare that the vacancies meant for GDS candidates cannot be filled up by outsider candidates”.

4. We find from the record that ventilating their grievance the applicants have preferred representations vide Annexure-A/4 series; the latest being the common representation dated 31.01.2015 made to Sr. Superintendent RMS 'N' Division, Cuttack, i.e. Respondent No.3. Mr. Padhi, Ld. Counsel for the applicant, submitted that till date no response has been received by the applicants on the aforesaid representation.

5. However, since a representation has been made and is said to be pending before the concerned authority, without expressing any opinion on the merit of the case, we consider it appropriate to give a direction to Respondent No.3 to dispose of the representation dated 31.01.2015 of the applicants, if the same is still pending, with a reasoned and speaking order and communicate the result thereof to the applicants individually within a period of 60 days from the date of receipt of copy of this order. It is made clear that if in the meantime the aforesaid representation has been considered then the result thereof be communicated to the applicants within a period of two weeks from the date of receipt of a copy of this order.



6. With the above observation and direction this O.A. stands disposed of at the stage of admission.

7. On the prayer made by Shri Padhi, learned counsel appearing for the applicants copy of this order along with paper book be sent to Respondent Nos. 2 and 3 by Speed Post for which Shri Padhi, undertakes to deposit the postal requites by next week.

8. Registry is directed to send copies of this order after payment of requisites.


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


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

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