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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No 260/00454 of 2015
Cuttack, this the 24th day of July, 2015

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

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Pradip Kumar Mohapatra,
aged about 54 years,
S/o Bisnu Prasad Mohapatra,
At/PO- Ambagadia, Via/PS- Baisinga, Dist: Mayurbhanj,
At present working as
GDS BPM, Baisinga BO under Mayurbhanj Division.

...Applicant

(Advocates: Mr. T.Rath)

VERSUS

Union of India Represented through its

1. Secretary-cum-Director General (Posts),
Dak Bhawan,
New Delhi-110001.
2. Chief Postmaster General,
Odisha Circle, AT/PO-Bhubaneswar GPO- 751001,
Dist- Khurdha
3. Superintendent of Post Offices,
Mayurbhanj Division,
At/PO- Baripada- 767001,
Dist- Mayurbhanj.

... Respondents

(Advocate: Mr. G.R.Verma)

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ORDER (ORAL)

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

Heard Mr. T.Rath, Ld. Counsel for the Applicant, and Mr. G.R.Verma, Ld. Additional 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 seeking the following reliefs:



“(a) To quash the notification under Annexure-A/6 in respect of Ambagadia BO.

(b) To direct the Respondents to take a decision 1st with regard to retention of the post of either GDS BPM or GDS MD and thereafter, in the event of either the post being abolished the applicant be absorbed in the remaining post.

(c) To pass any other order.....”

3. The case of the applicant in nutshell is that he was appointed as EDDA (now GDS MD) of Ambagadia BO on 09.08.1983. On 12.03.2003 he was entrusted the work of GDS BPM in addition to his own post. His grievance is that a proposal has been asked by the Chief Post Master General, Odisha on 02.05.2003 for abolition of the post of GDS MD. Applicant made a representation on 08.05.2003 for his absorption in the post of GDS BPM followed by a reminder dated 27.10.2011. The grievance of the applicant is that though Respondent No.3 on 21.08.2012 remarked that there is no justification to fill up the post of GDS BPM, a notification has been issued on 20.04.2015 to fill up the post of GDS BPM of Ambagadia. Applicant, who was awarded with a Gold Certificate for his excellent work, submitted a representation on 12.05.2015 to Respondent No.3 followed by another representation dated 19.06.2015 (Annexure-A/8) to Respondent No.2 for cancellation of the notification and his appointment to the said post. Mr. Rath, Ld. Counsel for the applicant, submitted that till date no communication has been made to the applicant against his representations.

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, we dispose of this O.A. at this admission stage by directing Respondent No. 2 to consider and dispose of the representation vide Annexure-A/8, if the same has been preferred by the applicant and is still pending consideration,



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with a well reasoned order and communicate the same to the applicant within a period of three months 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 law and rules in force. It is made clear that the status quo in respect of the continuance of the applicant shall be maintained till 31/10/2015. If in the meantime the representation has already been disposed of then result thereof be communicated to the applicant within a period of two weeks.

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

6. On the prayer made by Mr. Rath, Learned Counsel appearing for the applicant, 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 28.07.2015.


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

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