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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

Original Application No. 260/00488 of 2015  
Cuttack, this the 7<sup>th</sup> day of August, 2015

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

.....

Pitabasa Digal,  
Aged about 39 years,  
S/o Sarse Digal,  
At- Nahangam, PO- Phiringa,  
Dist.- Kandhamal

...Applicant

(Advocates: Mr. D.K.Mohanty )

**VERSUS**

Union of India Represented through its

1. Comptroller & Auditor General of India , Pocket -9, Deendayal Upadhya Marg, New Delhi -110124.
2. The Accountant General (G&SSA) AG Square, Bhubaneswar, Khurda- 751001.
3. The Dy. Accountant General, (Admn), O/o Accountant General (G&SSA) AG Square, Bhubaneswar, Khurda- 751001.

... Respondents

( Advocate: Mr. S.K.Patra )

....

**ORDER (ORAL)**

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

Heard Mr. D.K.Mohanty, Learned Counsel for the Applicant, and Mr. S.K.Patra, Ld. Addl. 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 with the following prayers:

“(i) To quash the order dt. 15.12.2014 under Annexure-A/4.



(ii) To direct the Respondents taking into consideration of the applicants matriculation certificate under Annexure A/3 series and to allow the applicant in the post of MTS (Staff) retrospectively with consequential benefit.

(iii) To pass any other order .....".

3. Applicant, who is a plucked Matriculate, was offered an appointment to the post of Multi Tasking Staff (MTS) as a Trainee in the O/o Accountant General (G&SSA), Odisha with certain conditions. One of the conditions was that he will have to qualify the matriculation or equivalent examination from a Recognized Board within two years from the date of his joining as trainee MTS and failure to do so, within the prescribed time period, shall entail termination of his services without assigning any reason. After acceptance of the terms and conditions stipulated in the offer of appointment, he joined the said post on 03.05.2012. It has been submitted that though he qualified and produced the matriculation certificate within a period of two years from the date of his joining, Respondent No.3 without considering the said certificate issued letter dated 15.12.2014 under Annexure-A/4 giving notice to the applicant that "his services shall stand terminated with effect from the date of expiry of a period of one month from the date on which this notice is served on, or, as the case may be, tendered to him". Mr. Mohanty, Ld. Counsel for the applicant, submitted that against issuance of such termination letter, the applicant approached Respondent No.2 vide Annexure-A/5 dated 28.12.2014 to reconsider his case and reinstate him in the service as MTS. Having received no response, the applicant has filed this O.A. with the prayer as aforesaid.



4. Since the specific case of the applicant is that his representation is still pending with the authorities, without expressing any opinion on the merit of the case, I dispose of this O.A. at this admission stage by directing Respondent No. 2 to consider and dispose of the representation of the applicant, if the same has been filed and is still pending consideration, with a well reasoned order and communicate the same to the applicant within a period of two months from the date of receipt of a copy of this order. If after such consideration the applicant is found to be entitled to the relief claimed by him then expeditious steps be taken within a further period of three months therefrom to allow him to work and necessary instructions may be issued in this regard. 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. However, 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. Mohanty, 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 11.08.2015.

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