

4

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

O.A.No.260/00517 of 2015  
Cuttack this the 09<sup>th</sup> day of September, 2015

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

Golak Bihari Samal aged about 65 years S/o Nanda Kishore Samal At Narasinghapur (Dihapara) PO Narasinghapur, P.s. Pattamundai, District Kendrapara.

By the Advocate(s)- M/s S. Patra, S. Rath and D.D. Sahu

...Applicant

-VERSUS-

1. Union of India represented by Director General of Posts, Dak Bhawan, New Delhi – 110001.
2. Chief Postmaster General, Odisha Circle, Bhubaneswar – 751001.
3. Assistant Director (Staff), O/o Chief Post Master General, Odisha Circle, Bhubaneswar – 01.
4. The Superintendent of Post Offices, Cuttack North Division, Cuttack-753001.

...Respondents

By the Advocate(s)-Mr. M.R.Mohanty

**ORDER(Oral)**

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

Heard Mr. S. Patra, Ld. Counsel appearing for the Applicant and Mr.M.R. Mohanty, Ld. ACGSC appearing for the Respondents on whom a copy of this O.A. has already been served and perused the materials placed on record.

2. The fact of the case is that initially the applicant joined as P.A. cadre on 30.10.1979 and thereafter promoted to LSG cadre under TBOP Scheme on 30.10.1995. Thereafter the applicant with others approached before the authorities to allow the benefits i.e., to treat promotion to LSG as regular promotion and to consider further promotion to next higher grade viz., HSG-II after eight years of service in LSG and HSG-I after three years of service in HSG-II/BCR. Having rejected the above prayer by the Respondents-Department the



applicant and others approached before this Tribunal by filing O.A. No.1196/04. This Tribunal vide its order dated 23.07.08 allowed the O.A. by quashing the order under Annexure-A/6, directing the Respondents to consider the case of the applicants for grant of consequential relief as claimed by them in the light of the decision of the Madras Bench of the Tribunal. Challenging the above order of this Tribunal the Respondents filed W.P.(C) No.16269/08 before the Hon'ble High Court of Orissa, which was dismissed vide order dated 17.01.12. Thereafter vide Memo dated 04.02.15 the applicant was promoted to the cadre of LSG, HSG-II and HSG-I from the date as indicated therein notionally without any financial benefits. Mr. Patra, Ld. Counsel for the applicants submitted that being aggrieved by the inaction on the part of the respondents in not giving financial benefits, the applicant preferred representations dated 05.05.2015 (Annexure-A/2) before Respondent No.2 for consideration of his case for financial benefits. The same is still pending for consideration. Hence the applicant has filed the present O.A. with a prayer for a direction to the respondents to allow/pay all consequential/financial benefits i.e., arrear pay and allowances and revision of pensionary benefits on promotion of the applicant w.e.f. the dates of the promotion to the post given under Annexure-A/1.

4. In view of the above, we find that ventilating his grievance the applicant has made comprehensive representation dated 05.05.2015 (Annexure-A/2) before Respondent No.2 and <sup>as per</sup> till date no response has been communicated from Respondent No.2, we do not feel it proper to keep the matter pending. Accordingly, we dispose of this O.A. with a direction that if any such representation is stated to have been filed vide (Annexure-A/2) before Respondent No.2 and the same is still pending for consideration, Respondent No.2 is hereby directed to consider and dispose of the same as per Rules and communicate the result thereof to the applicant by way of a reasoned order within a

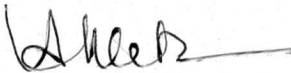
*Done*

period of two months from the date of receipt of copy of this order. However, we have not expressed any opinion on the merit of the matter and the points raised by the applicant in his representation <sup>are</sup> is kept open for the authorities to consider the same as per rules, regulations and law in force. 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 from the date of such consideration to extend the benefit to the applicant. 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 four weeks' from the date of receipt of a copy of this order.

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

6. On the prayer made by Mr. S. Patra, Ld. Counsel for the applicants, copy of this order, along with paper books, be sent to Respondent Nos. 2 & 3 by Speed Post at the cost of the applicants for which he undertakes to file the postal requisites by 14.09.2015. Free copy of this order be made over to Mr. M.R. Mohanty, Ld. ACGSC appearing for the Respondents.

  
(R.C.MISRA)  
MEMBER(A)

  
(A.K.PATNAIK)  
MEMBER(J)