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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.260/00519 of 2015

Cuttack this the 09th day of September, 2015

CORAM

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

HON'BLE SHRI R.C.MISRA, MEMBER(A)

Krutibasa Behera aged about 56 years S/o Dusashana Behera, At- Ramnagar Patna, PO Gul Nagar, Thakurpatna, District Kendrapara, working as Postal Assistant (P.A.) in Kendrapara Head Post Office, District Kendrapara.

...Applicant

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

-VERSUS-

1. Union of India represented by Director General of Posts, Dak Bhawan, New Delhi – 110 001.
2. Chief Postmaster General, Odisha Circle, Bhubaneswar – 751 001.
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. P.K. Mohanty

ORDER(Oral)

A.K. PATNAIK, MEMBER (J):

Heard Mr. S. Patra, 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 initially the applicant joined in P.A. cadre on 23.02.1981 and thereafter promoted to LSG cadre under TBOP Scheme on 06.04.1998. 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 some employees like the applicant had 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 juniors to the applicant were promoted to the cadre of LSG, HSG-II and HSG-I from the date as indicated therein notionally where as the applicant was discriminated ^{against.} Mr. Patra, Ld. Counsel for the applicant submitted that the applicant in the present O.A. is similarly situated employee and being aggrieved by the Memo dated 04.02.15 of the respondents in not giving the said promotion to the applicant at par with his juniors the applicant preferred representation dated 27.02.2015 (Annexure-A/4) before Respondent No.2 praying therein to extend the similar benefit as has been extended to the similarly placed persons. Mr. Patra brought to our notice that the representation dated 27.02.15 preferred by the applicant has been rejected by the Asst. Director (Staff), Respondent No.3 stating therein that the order passed by the Tribunal is applicable to those officials who had filed those cases, hence rejected. Therefore, the applicant has approached this Tribunal in the present O.A. with a prayer to quash the order dated 26/30.03.2015 under Annexure-A/3 and issue a direction to the respondents to treat the promotion of the applicant to LSG as per Annexure-A/1 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 26/30.03.2015 vide Annexure-A/3 and find that the same has been passed without taking into account the points raised in the representation and in our considered view we can hold it at best a cryptic order as none of the points raised by the applicant in his representation dated 27.02.2015 has been considered. Accordingly, we quash the order dated 26/30.03.2015 (Annexure-A/3) passed by Resondenet No.3 and remit the matter back to the Respondent No.3 again to reconsider the representation dated 27.02.2015 of the applicant by a well reasoned order as per Annexure-A/2 and direct that while disposing of the representation of the applicant the Respondent No.3 should keep in mind all the points of the applicant taken in the representation as per rules, regulations and law in force within a period of two month from the date of receipt of 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 from the date of such consideration to extend the benefit to the applicant as extended to the similiarly placed persons who had filed O.A. No.1196/04.

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, we hereby grant liberty to the applicant to furnish the copy of this order, along with the copy of the order passed by this Bench in earlier O.As. along with the 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


(R.C.MISRA)
MEMBER(A)


(A.K.PATNAIK)
MEMBER(J)