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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

Original Application No.260/00549 of 2015  
Cuttack, this the 4<sup>th</sup> day of September, 2015

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

....

Nrusinghanath Nayak,  
aged about 48 years,  
S/o Late Madhusudan Nayak,  
Working as M.T.S., O/o Sub-Post Master,  
Bhubaneswar Colony, Sub-Post Office,  
At/PO- Budheswar Colony,  
Bhubaneswar, Dist- Khurda.

...Applicant

(Advocates: M/s. H.P.Rath, D.K.Pradhan, A.K.Behera, P.Bhutia, R.P.Rath )

**VERSUS**

Union of India Represented through

1. Director General of Posts,  
Govt. of India, Ministry of Communication,  
Department of Posts, AT-Dak Bhawan,  
New Delhi-110001.
2. Chief Post Master General,  
Odisha Circle, At/PO- Bhubaneswar,  
Dist- Khurda.
3. Director of Accounts ( Postal),  
At- Mahanadi Vihar, PO- Cuttack-4,  
Town/Dist- Cuttack.
4. Senior Superintendent of Post Offices,  
Bhubaneswar Division, At/PO-Bhubaneswar-9,  
Dist- Khurda.
5. Senior Post Master,  
Bhubaneswar GPO, At/PO-Bhubaneswar-751001,  
Dist- Khurda.

... Respondents

(Advocate: Mr. J.K.Nayak )

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**ORDER (ORAL)**

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

Heard Mr. H.P.Rath, Ld. Counsel for the Applicant, and Mr. J.K.Nayak, 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 instant O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 challenging the direction of Respondent No. 4 for stoppage of deduction of G.P.F. contribution as per CCS(Pension) Rules, 1972 and with further prayer to direct Respondent No.5 to allow new pension scheme in favour of the applicant.

3. By drawing our attention to the averments made in the O.A., Mr. Rath brought to our notice that applicant was initially engaged as casual labourer on daily wage basis in the year 1984 and was conferred with the temporary status w.e.f. 01.10.1997. Subsequently, he was regularly appointed as MTS on 11.12.2012. While he was continuing as such, by an order dated 10.02.2015, Respondent No.4 instructed Respondent No.5 not to deduct the GPF contribution, which was being deducted from the salary of the applicant since July 2012 regularly upon assignment of GPF account number.

4. From the record, we do not find that any representation has been preferred by the applicant before the authorities ventilating his grievance. Section 20 of the CAT Act and Procedure Rules provide that O.A. should not be entertained unless departmental remedy is availed of, if there is any such provision. In the circumstances, Mr. Rath fairly submitted that applicant has not availed of the departmental remedy for redressal of his grievance and,



accordingly, prays for liberty to make a comprehensive representation before Respondent Nos. 2, 3 and 4 within a period of two weeks from today. Prayer is allowed. We make it clear that if any such representation is preferred by the applicant before Respondent Nos. 2, 3 and 4 within a period of two weeks from today then all the points raised by the applicant should be considered by the authorities as per law and rules in force and pass the order within a period of two months from the date of receipt of the representation. However, if no representation is made within two weeks from today then this order will have no force on the Respondents.

We also make it clear that if the representation is preferred within two weeks from today, then till disposal of the representation the order dated 10.02.2015 will not be acted upon so far as applicant is concerned. Applicant is at liberty to annex a copy of this order along with his representation to Respondent Nos. 2, 3 and 4.

5. With the aforesaid observation and direction, this O.A. stands disposed of. 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 Nos. 2, 3 and 4 by Speed Post for which he undertakes to file the postal requisites by 09.09.2015.

7. Free copy of this order be given to Mr. Nayak, Ld. ACGSC, subject to filing of his power.

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