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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.260/00576 of 2015

Cuttack this the 1st day of October, 2015

CORAM:

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

Limmali Ramu

Aged about 23 years

S/o.Limmali Rathalu

At-Buchiguda

PO-Kinigam

PS-Kashinagar

Dist-Gajapati

...Applicant

By the Advocate(s)-M/s.K.C.R.Mohapatra

G.B.Panda

-VERSUS-

Union of India represented through

1. The Secretary
Ministry of Communication & I.T.
Department of Posts (GDS Sector)
Dak Bhawan
Sansad Marg
New Delhi-110 001
2. Chief Post Master General
Bhubaneswar Region
At/PO-Bhubaneswar
Dist-Khurda
3. Sr.Superintendent of Post Offices
Berhampur Division
Berhampur (GM Division)Berhampur
Dist-Ganjam

...Respondents

By the Advocate(s)-Mr.C.M.Singh



ORDER

R.C.MISRA, MEMBER(A):

Heard Mr.K.C.R.Mohapatra, learned counsel for the applicant and Mr.C.M.Singh, learned ACGSC for the Respondents on the question of admission.

2. Facts as revealed from the O.A. are that applicant is a member of Scheduled Tribe community and having the requisite qualification, he had made an application for the post of GDS Branch Post Master, Kinigam BO in account with Kashinagar SO, in pursuance of notification dated 24.12.2013. According to applicant, even though the selection process for the post in question has started, but, the same is yet to be completed. In the meantime, communication dated 03.6.2015 has been issued by the Assistant Director(Est./Plg) in the O/o. CPMG, Bhubaneswar region to PMGs, Sambalpur/Berhampur, DA(P), Cuttack, wherein it has been indicated as under:

"It is seen that there are some posts of GDSs in the divisions for which notifications have been issued before 01.02.2015, the last date fixed by CO for notifying vacancies by recruiting authorities. Despite issue of reminders vacancies are not being filled up by following the due procedure.

Therefore, in view of the instructions of Dte. Letter cited above, I am directed to instruct you that all the GDS vacancies notified before 31.03.15 must be filled up by adopting due procedure before 30.6.2015

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failing which the notifications should be cancelled and vacancies should be filled up under the new engagement process (Aptitude Test Method) as instructed by the Dte".

3. It is the case of the applicant that since the process of selection for the post in question is yet to be finalized, by implication of the letter dated 3.6.2015, he is going to be prejudiced. In the above backdrop, applicant has challenged the legality of the aforesaid communication dated 3.6.2015(A/5).

4. On the other hand, Mr.C.M.Singh submitted that as per instructions received by him, communication dated 03.06.2015 issued by the Assistant Director, in the O/o. CPMG, Odisha Circle, Bhubaneswar is yet to ^{be acted upon.} ~~take effect.~~ R

5. I have considered the submissions of learned counsel for both the sides. It reveals from the record that the applicant without availing of the departmental remedies has approached this Tribunal directly. However, in the recent past this Tribunal has disposed of similar matters in O.A.No.382 of 2015 and 490 of 2015 on 3.7.2015 and 6.8.2015, respectively wherein the whole issue regarding communication dated 3.6.2015 was under consideration.

6. Having considered the facts of the matter and having regard to earlier orders of this Tribunal as referred to above, liberty is granted to the applicant to submit a representation to Respondent No.3 within a period of two weeks



From today and if any such representation is received within two weeks from today, Respondent No.3 shall consider and dispose of the same and communicate the result thereof to the applicant by way of a reasoned and speaking order, within a period of six weeks from the date of receipt of such representation. The applicant is also at liberty to annex copy of this order along with his representation to Res.No.3

7. With the above observation and direction, this O.A. is disposed of at the stage of admission itself. No costs.

8. On the prayer made by the learned counsel for the applicant, copy of this order along with the paper book be sent to Respondent No.3 for which Mr. .K.C.R.Mohapatra undertakes to file postal requisites by 5.10.2015.

Free copy of this order be also made over to learned counsel for both the sides.


(R.C.MISRA)
MEMBER(A)

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