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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

Original Application No. 260/00624 OF 2015
Cuttack, this the 22nd day of September, 2015

CORAM

**HON'BLE SHRI A.K. PATNAIK, MEMBER (JUDL.)
HON'BLE SHRI R.C.MISRA, MEMBER (ADMN.)**

Jashobonto Baliahrsingh,
aged about 56 years,
Son of Late Sabondas Baliahrsingh,
Resident of Village- Jadangi, PO- Tajungia,
PS- Bamunigaon, Dist-Kandhamal, Odisha,
At present working as Assistant Post Master,
Bhubaneswar GPO, Bhubaneswar-751001,
Dist- Khurda, Odisha.

.....Applicant

Advocate(s).....M/s. K.C.Kanungo, Chitra Padhi.

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Union of India represented through

1. The Secretary, Communication-cum-D.G. Posts,
Dak-Bhawan, New Delhi-1.
2. Chief Postmaster General,
Odisha Circle, Bhubaneswar New Capital-751001,
Dist-Khurda, Odisha.
3. Sr. Superintendent of Post Offices,
Bhubaneswar Division,
Bhubaneswar-751009,
Dist- Khurda, Odisha.

..... Respondents

Advocate(s).....Mr. J.K.Nayak

O R D E R (ORAL)

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

Heard Mr. K.C.Kanungo, Learned Counsel for the Applicant, and
Mr. J.K.Nayak, Ld. Addl. Central Govt. Standing Counsel appearing for the
Respondent, on whom a copy of this O.A. has already been served, and
perused the materials placed on record.

[Signature]

2. The applicant has filed this O.A. challenging the letter dated 18/23.3.2015 under Annexure-A/5 and has further prayed to extend the benefit of order dated 23.07.2008, passed in O.A. No. 1196/2004 (Annexure-A/2) and decision dated 23.01.2015 (Annexure-A/3). He has further prayed to extend the benefits of promotion to the HSG-II and HSG-I respectively on completion of 8 years and 3 years thereafter with effect from 09.10.2005 and 09.10.2008 taking into account the date 09.10.1997 as his initial promotion under TBOP Scheme which corresponds to LSG grade under Annexure-A/1 with consequential benefits and arrears after appropriate pay fixation.

3. The facts of the case are that initially the applicant had joined as Postal Assistant on 09.10.1981 and thereafter promoted to LSG cadre under TBOP Scheme on 09.10.1997. It has been submitted that claiming the similar relief as prayed for in this O.A. some of the employees approached this Tribunal by filing O.A. No.1196/04, which was disposed of by this Tribunal vide its order dated 23.07.2008 (Annexure-A/2) 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. It has been further submitted that the said order of this Tribunal has also been confirmed by the Hon'ble High Court of Orissa vide order dated 17.01.2012 and, consequently, instruction vide Annexure-A/3 dated 23.01.2015 has been issued to Respondent No.2 to implement the orders passed under Annexure-A/2 as specific to the applicants of that O.A. only. The applicant preferred representation dated 23.02.2015 (Annexure-A/4) before Respondent No.2 praying therein to extend the similar benefit as has been extended to the similarly placed persons. Mr. Kanungo, Ld. Counsel for the applicant, brought

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to our notice that the said representation dated 23.02.2015 preferred by the applicant has been rejected by the Asst. Director (Staff), O/o Respondent No.2, vide letter dated 18/23.03.2015 stating therein that "as per the Directorate letter No. 93-13/2012-SPB-II dtd. 23.01.2015, the order of Hon'ble CAT, Cuttack Bench, Cuttack is applicable to those officials, who had filed O.A. No. 1196/2004 and 1213 to 1221/2004". On the above backdrop of the case, the applicant has approached this Tribunal in the present O.A. with the prayers as aforesaid.

4. We have gone through the order dated 18/23.03.2015 vide Annexure-A/5 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 23.02.2015 has been considered. Accordingly, we quash the order dated 18/23.03.2015 (Annexure-A/5) passed by Asst. Director (Staff) and remit the matter back to the Respondent No.2 to reconsider the representation of the applicant dated 23.02.2015 (Annexure-A/4) and pass a reasoned and speaking order answering all the points raised in the representation keeping in mind the provision of law within a period of two month from the date of receipt of copy of this order. Though, we have not expressed any opinion on the merit of matter, we make it clear that if after such consideration, the applicant is found to be entitled to the relief claimed by him then expeditious steps be taken by Respondent No.2 within a further period of two months from the date of such consideration to extend those benefits to the applicant.

5. With the aforesaid observation and direction this O.A. is disposed

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of at the stage of admission itself. No costs.

6. On the prayer made by Mr. Kanungo, Ld. Counsel for the applicant, copy of this order along with paper book be sent to Respondent Nos. 1 and 2 by Speed Post at the cost of the applicant for which he undertakes to file the postal requisites by 25.09.2015.


(R.C.MISRA)
MEMBER(Admn.)


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

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