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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. No.260/00632/2015

Cuttack this the 25th day of September, 2015

CORAM

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

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Brahmanda Sahoo, S/o Sri Banshidhar Sahoo, permanent resident of At-House No. S/3-640, MIG-2, Niladri Vihar, PO-Sailashree Vihar, P.S. – Chandrasekharapur, Bhubaneswar, District Khurda now working as Statistical Investigator, Gr-II, Office of the Director of Census Operations, Odisha, Bhubaneswar.

...Applicant

(Advocate: Mr. B.K.Sahoo, G.N. Padhi, S.K. Mishra)

VERSUS

1. Union of India represented by the Secretary, Ministry of Home Affairs, North Block, New Delhi – 01.
2. The Registrar General and Census Commissioner, 2A, Mansingh Road, New Delhi – 11.
3. Under Secretary to Government of Odisha, AD-IV, Office of the Registrar General and Census Commissioner, 2A, Mansingh Road, New Delhi – 11.
4. The Director of Census Operations Odisha, Bhubaneswar, Janpath, Unit IX, Bhubaneswar – 22.
5. The Joint Director, Office of Director of Census Operations Odisha, Bhubaneswar, Janpath, Unit-IX, Bhubaneswar-22.
6. The Deputy Director, Office of Director of Census Operations Odisha, Bhubaneswar, Janpath, Unit IX, Bhubaneswar-22.

... Respondents

(Advocate: S.B. Mohanty)

ORDER (ORAL)

A.K.PATNAIK, MEMBER (J):

Heard Mr. B.K. Sahoo, Ld. Counsel appearing for the Applicant and Mr. S. B. 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 facts of the case are that the applicant was initially appointed as Asst. Compiler in the year 1981 in the Respondents-



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Department and then promoted to the next higher post i.e., compiler in the year 1990. Ld. Counsel for the applicant further submitted that due to delay in promotion to Sr. Compiler the applicant got next promotion as Statistical Investigator Gr.III on 02.07.2010 instead of 23.04.2010 for which he became junior to other juniors. Being aggrieved the applicant filed his representation dated 25.08.2015 (Annexure-A/9) before Respondent No.2 ventilating his grievance with a request to give him promotion holding a review DPC but till date no action has taken for which the applicant has been debarred from his legitimate expectation of getting promotion and enhanced salary and has become ten years junior to his juniors. Hence this O.A. has been filed by the applicant under Section 19 of the Administrative Tribunal Act, 1985 for a direction to the Respondents No.2 to conduct the review DPC to give promotion to the applicant to the post of S.I. Gr.III with retrospective effect i.e., from 23.04.2010 with all consequential benefit.

3. In view of the aforesaid facts, I find that as appealing his grievance the applicant has been representing before the authorities time and again and the last being dated 25.08.2015(Annexure-A/9) before the Respondent No.2, I do not feel it proper to keep the matter pending. Accordingly, I dispose of this O.A. by directing Respondent No.2 that if the representation dated 25.08.2015(Annexure-A/9) preferred by the applicant 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 period of three months from the date of receipt of copy of this order. I hope and trust that the said Respondent No.2 will

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consider all the points raised in the representation dated 25.08.2015(Annexure-A/9) as per rule. However, I am not expressing any opinion on the merit of the matter and the points raised by the applicant in his representation 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 said benefit to the applicant. 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.

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

5. On the prayer made by Mr. B.K. Sahoo, Ld. Counsel for the applicants, copy of this order, along with paper books, be sent to Respondent No.2 by Speed Post at the cost of the applicant for which he undertakes to file the postal requisites by 30.09.2015.


(A.K.PATNAIK)
MEMBER(J)

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