

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00772 OF 2015

Cuttack, this the 9th day of November, 2015

CORAM

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

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

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Dipti Kumar Mahanta, aged about 48 years, S/o. Late Rai Mohan Mahanta, At-Bada Brahamanamara, Po-Pathara Chakuli, Via-Laxmiposi, Dist-Mayurbhanj, now working as Casual Labour, Mail Escort, Baripada-Deuli Line.

.....Applicant

(Advocate: M/s. P.R.J. Dash, M.P.J. Ray)

VERSUS

Union of India Represented through

1. Secretary-cum-Director General of Posts, Dak Bhawan, Sansad Marg, New Delhi-110116.
2. Chief Post Master General, Odisha Circle, At/Po-Bhubaneswar, Dist-Khurda-751001.
3. Superintendent of Post Offices, Mayurbhanj Division, At/Po-Baripada, Dist-Mayurbhanj-757001.
4. Head Post Master, At/Po-Baripada HPO, Dist-Mayurbhanj-757001.
5. Inspector of Posts Baripada West Sub-Division, At/Po-Baripada, Dist-Mayurbhanj-757001.

... Respondents

(Advocate: Mr. P.K. Mohanty)

ORDER (Oral)

A. K. PATNAIK, MEMBER (J):

Heard Mr. P.R.J. Dash, Ld. Counsel appearing for the Applicant and Mr. P.K. 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. This is the second round of litigation by the applicant. Mr. Dash submitted that though the applicant was appointed as casual labour w.e.f. 27.06.1988 but so far his service has not been regularized. According to Mr. Dash, after the regularization scheme of casual labourer came into force w.e.f. 12.04.1991, 'Temporary Status' was conferred on them w.e.f. 29.11.1989 and services of those who have rendered 240 days as on that date will be regularized. Though several cases were filed and the decisions went in favour of the similarly situated persons, but the applicant was deprived of the same opportunity, hence he filed O.A. No.341/99 and the same was disposed of on 23.04.2003 with a direction to the Respondents to extend the said benefit to the applicant. Challenging the said order, W.P.(C) No.8723 of 2004 was filed by the Departmental Respondents in the Hon'ble High Court of Orissa which was dismissed on 28.09.2005.



Subsequently, the applicant filed another O.A. No.595 of 2011 which was disposed of on 11.10.2011 with a direction to the Chief Post Master General, Orissa Circle (Respondent No.2) to consider and dispose of the representation dated 20.06.2010 by way of a reasoned and speaking order taking into consideration the earlier order dated 23.03.2003 passed in O.A. No.341/99 within a period of 60 days from the date of receipt of copy of this order. Keeping in mind the order passed in O.A. No.341/99, as nothing came out and thereby the time elapsed, instead of filing a petition for implementation of the order, applicant has filed the instant O.A. under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“...To direct the Respondents to implement the order passed in O.A. No.341/1999 in its letter and spirit and direct the respondents to pay interest on the entire arrears as per GPF rate of interest as if the salary was kept in GPF and the same may be recovered from the officers at fault and further impose heavy cost for harassing a poor casual labourer for last 25 years.”

4. During the course of hearing, Mr. Dash, Ld. Counsel submitted that applicant has submitted a representation dated 13.07.2015 (Annexure-A/6) before Respondent No.3 with a copy to Respondent No.2. It has further been submitted that till date applicant has received no response on his representation.

5. Since the representation submitted by the applicant is stated to be pending, at this stage, without entering into the merit of the matter, we would direct Respondent No.3 to consider the representation dated 13.07.2015 (Annexure-A/6) and dispose of the same with a reasoned and speaking order to be communicated to the applicant within a period of two months from the date of receipt of copy of this order. We make it clear that while considering the representation on merit, Respondent No.3 is directed to keep in mind the order dated 23.03.2003 passed by this Tribunal in O.A. No.341/99 which was confirmed by the Hon'ble High Court in W.P.(C) No.8723 of 2004 as well as the order dated 11.10.2011 passed by this Tribunal in O.A. No.595 of 2011. We hope and trust, in the event of such consideration if the applicant is found to be entitled to the relief claimed by him and as such benefits which have already been extended to other similarly situated persons then expeditious steps be taken to extend the benefit to the applicant preferably within a further period of three

W.A.

6 months from such consideration. Though we have not expressed any opinion on the merit of the case, we make it clear that all the points raised in the representations will be kept open for the Respondents for consideration as per the extant rules, regulations and law in force.

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

7. On the prayer made by Mr. Dash, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent Nos.2 & 3 by Speed Post for which Mr. Dash undertakes to file the postal requisites by 13.11.2015. Free copy of this order be made over to Mr. P.K. Mohanty, Ld. ACGSC appearing for the Respondents subject to filing of power.

(R.C.MISRA)
MEMBER (A)



(A.K.PATNAIK)
MEMBER(J)



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