

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00955 OF 2015
Cuttack, this the 3rd day of February, 2016

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (J)
HON'BLE MR. R.C. MISRA, MEMBER (A)

.....

Sri Sudhansu Sekhar Dalabehera, aged about 39 years, S/o Dibakar Dalabehera, resident of At/P.O-Tumandi, Via-Daspalla, P.S.-Daspalla, Dist-Nayagarh, Odisha, Pin-752084.

.....Applicant

By the Advocate(s)-M/s. C.P. Sahani, P.K. Samal, D.P. Mohapatra

-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/P.O.- Bhubaneswar, Dist-Khurda, Odisha-751001.
3. The Senior Supdt. Of Post Offices, Puri Division, Puri-752001.

.....Respondents.

By the Advocate(s) - Mr. G.R. Verma

O R D E R (ORAL)

A.K.PATNAIK, MEMBER (J):

Heard Mr. C.P. Sahani, Ld. Counsel appearing for the applicant and Mr. G.R. Verma, 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 O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 with the following prayer:-

“To direct the respondents to quash the impugned order at Annexure-A/7 in the light of the judgment dated 16.02.2015 of the Hon’ble Supreme Court in the matter of Ajay Kumar Choudhary Vs. Union of India & Ors., in the Civil Appeal No.1912 of 2015 (Arising out of SLP No.31761 of 2013) and direct the Departmental respondent(s) to reinstate the applicant.”

3. Mr. Sahani, Ld. Counsel for the applicant submitted that due to non-consideration of the case of the applicant for the aforesaid relief as claimed by him, the applicant submitted representation dated 18.08.2015 (Annexure-A/8) followed by another representation dated 13.09.2015 (Annexure-A/9) to Respondent No.2. It has further been submitted that till

W.A.

date no response has been received by the applicant on his representations. Hence, the applicant has filed this O.A. with the prayer as aforesaid.

4. Since the representations submitted by the applicant are stated to be pending, without entering into the merit of this case, we dispose of this O.A at the stage of admission by directing Respondent No.2 to consider the representations dated 18.08.2015 (Annexure-A/8) & dated 13.09.2015 (Annexure-A/9), if the same are still pending, as per the extant Rule and communicate the result thereof to the applicant by way of a reasoned/speaking order within a period of 03 (three) months from the date of receipt of copy of this order. If, after such consideration it is found that the applicant is entitled to the relief claimed by him then the same may be extended to him within a further period of 03 (three) months from such consideration. Though we have not expressed any opinion on the merit of the matter, we make it clear that all the points raised in the representations will be kept open for the Respondents to consider the same as per rules, regulations and law in force. However, it is made clear that if in the meantime the said representations have already been disposed of then the result of the same be communicated to the applicant within a period of two weeks from the date of receipt of copy of this order.

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

6. On the prayer made by Mr. C.P. Sahani, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No.2 by Speed Post for which Mr. Sahani undertakes to file the postal requisites by 05.02.2016.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER(J)