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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 260/00112 of 2015
Cuttack, this the 24th day of April, 2015

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

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Fakir Charan Sahoo,
aged about 67 years,
S/o late Nilamani Sahoo,
At- Pikola, PO.-Bodamundai, Dist.- Cuttack.

...Applicant

(Advocates: Mr. M.P.J.Ray)

VERSUS

Union of India Represented through its

1. Secretary-cum-Director General of Posts,
Dak Bhawan, Sansad Marg,
New Delhi-110116.
2. Chief Post Master General,
Odisha Circle, Bhubaneswar,
Dist-Khurda-751001.
3. Superintendent of Post Offices,
Cuttack North Division,
At- P.K.Parija Marg, PO- Cuttack GPO,
Dist- Cuttack-753001.

... Respondents

(Advocate: Mr. A.K.Mohapatra)

.....

ORDER (ORAL)

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

Heard Mr. M.P.J.Ray, Learned Counsel for the Applicant, and Mr. A.K.Mohapatra, Ld. Addl. Central Govt. Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

Alter

2. This O.A. has been filed by the applicants under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“.....to direct the respondents to pay the back wages minus Ex-gratia compensation and the retirement benefits with 18% interest and impose exemplary cost & compensation.”

3. The case of the applicant in nutshell is that he was initially appointed as ED BPM of Bodamundai Branch Post Office. On 25.02.1983, he was put under off duty. He was acquitted by the Hon'ble Dist and Session Judge, Cuttack on 14.09.1989, which was also confirmed by the Hon'ble High Court of Orissa vide its order dated 06.04.2007. Applicant filed O.A.No. 47/2010 challenging his put off duty, which was admitted by this Tribunal on 09.02.2010. Subsequent to the filing of O.A. No. 47/10, Respondents issued a charge sheet dated 15.02.2010 on the same fact. Applicant filed O.A. No. 290/2010 challenging the charge sheet. Both the O.A. Nos. 47 and 290 of 2010 were allowed on 02.09.2010 and 07.04.2011 respectively and the put off duty order and charge sheet were quashed by the Tribunal. The grievance of the applicant is that to delay the matter Respondents approached the Hon'ble High Court of Orissa challenging the orders dated 02.09.2011 and 07.04.2011 and he has not been allowed to reinstate in service on the ground of pendency of the Writ Petitions. In the meantime, the applicant has been allowed to retire on attaining the age of superannuation on 02.08.2013. Mr. Ray, Ld. Counsel for the applicant, submitted that though the applicant has made representation before Respondent No.2 on 21.02.2015 (Annexure-A/5) ventilating his grievance till date no response has been received by the applicant, for which he has moved this Tribunal in the present O.A.

4. Taking into account the submission made by Mr. Ray, Ld. Counsel for the applicant, without expressing any opinion on the merit of the case, I dispose of



this O.A. at this admission stage by directing Respondent No. 2 to consider and dispose of the representation dated 21.02.2015 as at Annexure-A/5, if the same has been filed and is still pending consideration, in a well reasoned order and communicate the same to the applicant within a period of 45 days from the date of receipt of a copy of this order. It is further made clear that if after such consideration the applicant is found to be entitled to the relief claimed by him in his representation then expeditious steps be taken within a further period of 60 days from the date of such consideration to grant the same to the applicant. However, 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 two weeks from the date of receipt of a copy of this order.

5. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

6. On the prayer made by Mr. Ray, 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 he undertakes to file the postal requisites by 29.04.2015.


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