

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

**O. A. No. 260/00200 OF 2016**  
**Cuttack, this the 18<sup>th</sup> day of April, 2016**

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

.....

Laxman Dehury, aged about 22 years, S/o. Kabindra Dehury, resident of At/Vill- New Padmapur, PO- Padmapur, Via- Anandapur, PS- Anandapur, Dist- Keonjhar, Odisha, PIN-758021.

.....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/PO. Bhubaneswar, Dist:- Khurda, Odisha-751001.
3. Postmaster General, Sambalpur Region, Sambalpur-768001.
4. The Supdt. Of Post Offices, Keonjhar Division, Keonjhargarh-758001.
5. Jasabanta Tudu, S/o Late Raghunath Tudu, Vill- Nandipada, PO- Mareigaon, Dist-Keonjhar.

.....Respondents

By the Advocate(s)- B. Swain

**ORDE R (ORAL)**

**A.K.PATNAIK, MEMBER (J):**

Heard Mr. C.P. Sahani, Ld. Counsel appearing for the applicant and Mr. B. Swain, 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 seeking the following relief:

“...To quash the appointment of Respondent No.5 and order at Annexure-A/7 and direct the Respondents to give appointment to the applicant in the post of GDSBPM Mareigaon BO as per the merit list at Annexure-A/4 from the date of appointment of Respondent No.5 with consequential benefits.”

3. The factual matrix of the case is that the applicant who belongs to ST category has submitted his application with reference to the Notification No.A-508 of the SPOs, Keonjhar Division (Respondent No.4) for recruitment to the post of GDSBPM, Mareigaon BO in account with

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Hatadihi SO. Through RTI information the applicant came to know that the selected candidate namely Jasbanta Tudu had submitted fake Caste Certificate along with his application which was admitted by Respondent No.4 vide letter No.RTI/141-01/2015 dated 07.05.2015. Thereafter the applicant complained to the CPMG, Odisha and PMG, Sambalpur regarding illegal and irregular appointment of Respondent No.5 with a request for inquiry and immediate necessary action. Thereafter the PMG, Sambalpur vide letter dated 29.07.15 informed the applicant that the case of Respondent No.5 was reviewed and found the most eligible and meritorious candidate, who was selected and appointed as GDSBPM, Mareigaon BO rejecting the complaint of the applicant. Thereafter the applicant vide RTI application dated 17.11.2015 sought information from Tahasildar, Hatadihi regarding genuineness of the caste certificates issued in favour of Respondent No.5. Thereafter, the Tahasildar, Hatadihi vide his letter dated 07.12.2015 replied that the caste certificates issued in favour of Respondent No.5 is fake. Hence, the applicant has filed this O.A. with the prayer as aforesaid.

4. On the other hand, Mr. Swain, Ld. ACGSC appearing for the Respondents, by drawing our attention to the different provisions of CAT Act and Rules vehemently opposed the very maintainability of this O.A. He submitted that when the applicant himself has not ventilated his grievance before the appropriate authority, this O.A. is not maintainable. Mr. Swain Further submitted that Section 20 (1) of the Administrative Tribunal Act which provides as under:

“A Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant has availed of all the remedies available to him under the relevant service rules as to redressal of grievance.”

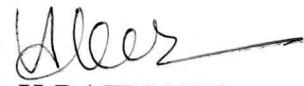
5. On being questioned as to whether the applicant has moved before the authorities and has filed any representation before the appropriate authority, Mr. Sahani submitted that the applicant has not ventilated his grievance before the appropriate authority and therefore, prayed liberty of this Tribunal to file an exhaustive representation before the Respondent No.2 within a period of two weeks from today.

*Wd*

6. Accordingly, this O.A. is disposed of by giving liberty to the applicant to make a comprehensive representation, annexing the documents as he feels proper, to Respondent No.2 within a period of two weeks from today i.e. by 02.05.2016 and if any such representation is preferred within two weeks from today, then the said Respondent No.2 is directed to consider and dispose of the said representation and pass a reasoned and speaking order within a period of two months from the date of receipt of the representation as per the rules and regulations in force keeping in mind the applicability of the documents, which the applicant would annex to his representation. Although, I have not expressed any opinion on the merit of the case, I 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 within a further period of three months from the date of such consideration to extend the said benefits to him.

7. With the aforesaid observation and direction this O.A. is disposed. No costs.

8. Applicant is at liberty to annex a copy of this order along with his representation.

  
(A.K.PATNAIK)  
MEMBER(J)

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