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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00278 OF 2016
Cuttack, this the 4th day of May, 2016

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

Sri Susanta Kumar Barik, aged about 38 years, S/O-Late Gobardhan Barik,
At-Firifire, P.O.-Prataprudrapur, P.S-Baliantha, Dist-Khurda.

.....Applicant

By the Advocate(s)-M/s. D.P. Dhalsamant, Arindam, N.M. Rout.

-Versus-

Union of India, represented through

1. Director General of Posts, Govt. of India, Ministry of Communications, department of Posts, Dak Bhawan, Sansad Marg, New Delhi-110001.
2. Chief Post Master General, Odisha Circle, Bhubaneswar, Dist-Khurda-751001.
3. Sr. Superintendent of Post Offices, Bhubaneswar Division, At/Po-Bhubaneswar, Dist-Khurda.
4. Assistant Superintendent of Posts, Bhubaneswar North Sub Division, Bhubaneswar, Dist-Khurda.

.....Respondents

By the Advocate(s) - B. Swain

O R D E R (ORAL)

A.K.PATNAIK, MEMBER (J):

Heard Mr. N.M. Rout, 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 with the following prayer:-

- “8.1 That the notification dated 23.03.2016 under(A/7) be quashed.
- 8.2 Direction be issued to respondents to regularize the services of the applicant to the post of Group-D.

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8.3 Further be pleased to pass any other order/orders as deemed fit and proper."

3. Mr. Rout, 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 08.03.2010 (Annexure-A/4) to Respondent No.4. As the applicant did not get any response from the said representation he made another representation dated 06.07.2015 (Annexure-A/5) to Respondent No.3. It has further been submitted that till 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.3 to consider the representations dated 08.03.2010 (Annexure-A/4) followed by another representation dated 06.07.2015 (Annexure-A/5), 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 representation 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 representation has 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. However, we direct that applicant shall be allowed to continue in his present place of posting till 01.09.2016. It is further directed that no action in pursuance of notification dated 23.03.2016 (Annexure-A/7) shall be taken by the Respondents for a further period of two weeks of the date of communication of decision to the applicant on his representation.



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. N.M. Rout, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No.3 by Speed Post for which Mr. Rout undertakes to file the postal requisites by 06.05.2016.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER(J)

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