

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 351/2016
Cuttack this the 28th day of **June**, 2016

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

Gopabandhu Patra aged about 35 years S/o Shri Mahendra Kumar Patra, Village Ashuki, PO Khuntapada, PS Jhumpura, District Keonjhar.

...Applicant

By the Advocate- Shri S.Pattnaik

-VERSUS-

- 1-Union of India represented through its Secretary-cum-Director General of Post, Ministry of Communication at Dak Bhawan, Sansad Marg, New Delhi-
- 2-Chief Post Master General, Odisha Circle, At/PO Bhubaneswar, Dist.Khurda.
- 3-Post Master General, Sambalpur Division, At/PO Sambalpur, Dist.Sambalpur.
- 4-The Director, Postal Services, Sambalpur Region, Sambalpur.
- 5-Superintendent of Post Offices, Keonjhar Divn, Keonjhar, At/PO, Dist.Keonjhar.

...Respondents

By the Advocate- Shri G.R.Verma

O R D E R


R.C.MISRA, MEMBER (A)

Heard Shri S. Pattnaik, learned counsel for the applicant and Shri G.R.Verma, learned Additional Central Government Standing Counsel, appearing on behalf of the respondents.

2. Learned counsel for applicant Shri Pattnaik has submitted that in a process of selection for the posts of GDSBPM ear-marked for SC category candidates, the applicant's name was placed at Sl. No. 3 and since the candidates placed at Sl. Nos. 1 and 2 of the panel had declined to join, the applicant should have been offered with the appointment to the post. He also

brought to the notice of this Tribunal that he made a representation to the Post Master General, Sambalpur Region, Sambalpur i.e. the respondent No. 3, in this regard on 1st December, 2015 and this representation is also not disposed of by the authorities.

3. Shri G.R.Verma, learned Additional Central Government Standing Counsel was asked on 20th May, 2016 by this Tribunal to obtain instructions regarding the present status of the case and he had submitted that the candidate at Sl. No. 1 had declined to join but, the candidate at Sl. No. 2 was still under consideration for appointment and, therefore, the claim made by the applicant before this Tribunal is pre-mature. Today, the learned counsel Shri Verma, has obtained further instructions and submitted the same for perusal of this Tribunal. On going through the instructions, it is found that the applicant, who was at Sl. No. 3 of the Wait List, had submitted a representation to the respondent No. 3, but, in the meantime, the selection panel had lost its validity as per the Directorate letter dated 25th June, 2010 as the said panel was valid only for one year. The sum and substance of the instructions, is that at present, there is no valid panel from which, an appointment can be made. It is further submitted that as per the instructions issued vide letter dated 28th May, 2015 all the GDS vacancies notified in respect of which selection was completed before 31st March, 2015, will be filled-up by adopting the due procedure before 30th June, 2015, failing which, the notification will be cancelled and vacancies will be filled-up under the new engagement process. In pursuance of these instructions, a proposal has been moved to the Post Master General, Sambalpur



Region by the Superintendent of Post Offices, Keonjhar Division, Keonjhar.

4. I have considered the submissions made by the learned counsel for both sides. The allegation made by the learned counsel for applicant is that because of the delay committed by the respondent-department, the claim of the applicant for his appointment cannot be considered and in the meantime, the validity of the panel had expired. But, apparently, the applicant made a representation on 1st December, 2015 which was followed by another representation made to the Director, Postal Services, on 12th January, 2016 and he has not been informed about the fate of his representations and present status of his case despite the fact that he has a right to be informed about the reasons why his appointment could not be considered. Therefore, at this stage, without going into the merits of the OA, I feel it expedient to direct the respondent No.3 i.e. Post Master General, Sambalpur Division, At/PO Sambalpur, District-Sambalpur, to dispose of the representation(s) of the applicant filed at Annex. A/7 dated 1st December, 2015 and 12th January, 2016, with a well reasoned and speaking order and communicate the decision thereof to the applicant within a period of 60 days from the date of receipt of a copy of this order.

5. With the aforesaid observation and direction, the O.A. stands disposed of. A copy of this order along with the paper book be sent to respondents No. 3 and 4 at the cost of the applicant who shall file the requisites in this regard by tomorrow i.e. 29th June, 2016 before this Tribunal.



(R.C.MISRA)
Member (A)