

03 MAY 2016

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A No. 260/00 354 OF 2016



In the matter of:

An application under section 19 of Administrative Tribunals Act, 1985;

And

In the matter of:

Ambika Prasad Mansingh, aged about 41 years, son of Rabindranath Mansingh, presently Working as Cooker (Casual labourer) in the office of H.R.O, K-Division, Jharsuguda, At/Po/Dist: Jharsuguda-768201

.....Applicant

-Vrs-

1. Union of India represented through its Secretary, Ministry of Communications, Department of Posts, Dak Tar Bhawan, New Delhi 110 001
2. Chief Postmaster General, Orissa Circle, Bhubaneswar, Dist- Khurda -751001.
3. The Superintendent of Post Offices, RMS -K Division, AT/Po/Dist: Jharsuguda.
4. Head Record Officer, RMS -K Division, AT/Po/Dist: Jharsuguda.
5. The I.R.M., RMS, K-Division, Rourkela.

.....Respondents

Abu Amin

W.L.

O R D E R (ORAL)
Dated 24.05.2016

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

Heard Mr. D.K.Mohanty, Ld. Counsel for the Applicant, and Mr. B.Swain, 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.

2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 with the following prayer:-

“(i) To quash the order dated 19.11.2012 under Annexure-A/10.
(ii) To direct the Respondents to regularize the service of the applicant against the vacancy any Group-D/MTS available in the dept. rules and judgemade laws.
(iii) To direct the Respondents to make all efforts to regularize the services of the applicant against the vacancy available in other divisions.
(iv) And further be pleased to pass any other order....”

3. The applicant, in this present O.A., challenges the action of the Respondents in not extending the benefit of G.I. Dept. Post Circular dated 17.05.1989 and DG Post letter dt. 19.02.1988 in the matter of regularization of the service of the applicant though he is working since August 2000 as part time casual worker. Mr. Mohanty, Ld. Counsel for the applicant, submitted that the inaction of the Respondents, as aforesaid, is in clear violation of the Rules and the Judgemade laws. He further submitted that the applicant ventilating his grievance made one representation on 18.03.2015 (Annexure-A/12) followed by another representation dt. 14.07.2015 (Annexure-A/13) before Respondent Nos.4 and 5 respectively but till date anything has been communicated to the applicant.

4. Since the representation submitted by the applicant is stated to be



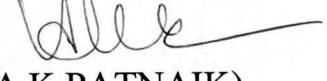
pending with Respondent Nos. 4 and 5, without entering into the merit of this case, we dispose of this O.A at the stage of admission itself by directing Respondent No. 4 to consider the representation under Annexures-A/12, if the same is still pending before him, as per the extant Rules and communicate the result thereof to the applicant by way of a reasoned/speaking order within a period of 02 (two) months from the date of receipt of a 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. 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. Mohanty, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent Nos. 4 and 5 by Speed Post for which he undertakes to file the postal requisites by 26.05.2016.


(R.C.MISRA)
 MEMBER (A)


(A.K.PATNAIK)
 MEMBER(J)