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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00437 OF 2016
Cuttack, this the 26th day of July, 2016

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

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Birabar Bahira, aged about 43 years, S/o. Jayirama Bahira, At. Durgapur, PO. Olarah, Via- Borikina, Dist- Jagatsingpur.

.....Applicant

By the Advocate(s)-M/s. B.S. Tripathy, M.K. Rath, J. Pati.
-Versus-

Union of India, represented through

1. Secretary-cum-Director General of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. The Chief Post Master General, Odisha Circle, Bhubaneswar, Dist-Khurda-751001.
3. Superintendent of Post Offices, Cuttack South Division, At/PO/Dist-Cuttack-753001.
4. Asst. Superintendent of Posts, Jagatsinghpur, Sub-Division, At/PO/ Dist-Jagatsinghpur-754103.

.....Respondents

By the Advocate(s)- S. Behera

ORDER(Oral)

A.K.PATNAIK, MEMBER (J):

Heard Mr. B.S. Tripathy, Ld. Counsel appearing for the applicant and Mr. S. Behera, Ld. SCGPC appearing for the Respondent, on whom a copy of this O.A. has already been served and perused the materials placed on record.

2. This matter came up for admission on 04.07.2016 when Mr. Behera, Ld. SCGPC had been asked to obtain instruction regarding the status of implementation of the order dated 23.10.2012 of this Tribunal passed in O.A. No.798/12 filed by the applicant earlier and accordingly the matter was directed to be listed on 18.07.16 for admission. On that day, Mr. Behera prayed for further time to obtain instruction and accordingly, the matter was posted to today i.e., 26.07.16 for admission.

3. The facts of the matter in brief are that applicant had worked as casual labourer in Borikina SO under Jagatsinghpur HO from 18.08.03 to 01.04.10 for a period of about seven years. While working as such, a vacancy in the post of GDSBPM arose in Goda BO under Borikina SO and even though applicant offered his candidature, but his case was not taken into

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consideration. On the other hand, the Respondent No. 4 vide letter dated 26.10.09 (Annexure-A/1) informed the applicant that in future his case would be considered if he applies for appointment in response to any notification. Again during the year 2012 vide notification dated 31.08.12 the applicant applied for the post of GDSBPM, Goda Cuttack BO on 11.09.12, but to no effect. Aggrieved with this, the applicant approached this Tribunal by filing O.A. No.798/12 seeking direction to the Respondents to consider his case by giving him preference over the freshers and this Tribunal vide order dated 23.10.12 was disposed of the said O.A. with a direction to the Respondents to consider the case of the applicant along with others keeping in view the letter dated 26.10.09 issued by Respondent No.4. Subsequently, the said notification dated 31.08.12 was cancelled and as such the case of the applicant could not be considered. While the matter stood thus, another notification dated 20.08.14 was issued to fill up the post of GDSMD/MC in Garh Bishnupur BO in account with Borikina SO and the applicant also applied for the said post along with the copy of the order dated 23.10.12 passed by this Tribunal in O.A. No.798/12, but despite this, his case was not considered. Thereafter, the applicant made two representations dated 29.12.14 (Annexure Nos-A/3 & A/4) to Supdt. of Post Offices (Respondent No.3) and Asst. Superintendent of Post Offices (Respondent No.4) respectively. Since he did not receive any response, he has moved this Tribunal in the present O.A. for direction to be issued to the Respondents to consider his case for appointment to the post of GDSBPM in Saran BO in account with Kaduapada SO for which he has submitted an application in response to notification dated 15.04.16 (Annexure-A/5) by giving preference over freshers. It is the case of the applicant that the post of GDSBPM Sarana BO is reserved for OBC category to which applicant belongs.

4. It is the case of the applicant that the applicant being apprehensive that his candidature may not be considered by the Respondents in the light of the decision of this Tribunal in O.A. No. 798/12, has moved in the present O.A. During the course of hearing on admission, Mr. Tripathy submitted that Respondents may be directed to consider the case of the applicant for the post of GDSBPM Saran BO in account with Kaduapada SO keeping in view the decision of the Tribunal in O.A. No.798/12. On the other hand, Mr. Behera prayed for further time, to obtain instruction in the matter. Since, adequate opportunities have been granted to Mr. Behera to obtain instruction

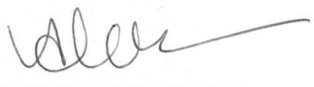
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and apprise this Tribunal, vide order dated 04.07.2016 and dated 26.07.2016, We are not inclined to keep this matter pending any further. Therefore, we would direct the Respondents to consider the case of the applicant along with others for the post of GDSBPM Sarana BO in account with Kaduapada SO in keeping with the decision of this Tribunal in O.A. No.798/12 provided that applicant has applied for the post in question with the required documents and the selection thereof is not yet over.

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. B.S. Tripathy, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent Nos.3 & 4 by Speed Post for which he undertakes to file the postal requisites by 29.07.2016.


(R.C.MISRA)
MEMBER(A)


(A.K.PATNAIK)
MEMBER(J)