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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.463 of 2016
Cuttack this the 14th day of July, 2016

CORAM
HON'BLE SHRI R.C.MISRA, MEMBER(A)
HON'BLE SHRI S.K.PATTNAIK, MEMBER(J)

CUTTACK BENCH

Bijaya Kumar Sahu, aged about 36 years, S/o.Gangadhar Sahu, At-Ranibagicha
(In front of RTO Office), PO-Sundargarh, Dist-Sundargarh

...Applicant

By the Advocate(s)-M/s.P.K.Satpathy, D.Mohapatra & K.C.Panda

-VERSUS-

Union of India represented through:

1. Chief Post Master General, Department of Post India, Bhubaneswar, P.M.G.Square, Dist-Khurda
2. Senior Superintendent of Post Office, Sundargarh Postal Division, At/PO/Dist-Sundargarh
3. Post Master, Sundargarh Head Post Offices, At/PO/Dist-Sundargarh

...Respondents

By the Advocate(s) Mr.A.K.Mohapatra



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ORDER(Oral)

R.C.MISRA, MEMBER(A):

Heard Mr.P.K.Satpathy, learned counsel for the applicant and Mr.A.K.Mohapatra, learned ACGSC on the question of admission and perused the records.

2. Applicant has approached this Tribunal being aggrieved by the inaction of the respondents in considering him for engagement as Driver.

3. Facts leading to filing of this O.A. are at that he was working as Driver on daily wage basis from October, 2000 to 2012 when his daily wage job was not extended. However, this being the situation, applicant submitted an application dated 8.11.2012 to res.no.2 for consideration of his case for regular appointment as Driver. While the matter stood thus, the respondent-authorities have issued an advertisement dated 2.3.2016 for selection to the post of Driver on regular basis.

4. It is the case of the applicant that in the advertisement the age limit prescribed is between 18 to 27 whereas, as per his date of birth as on 1.4.2016, his date of birth being 19.07.1980, he is about 35 years 8 months and 12 days and therefore, he is over aged for the post of Driver as per the advertisement dated 2.3.2016. Applicant has submitted that since he has served the Department for more than a decade, the authorities are empowered to relax the age upto 40 in his case. Keeping this in mind, it is



stated that applicant has submitted a representation dated 28.03.2016 to the Senior Superintendent of Post Offices (res.no.2) with a request to permit him to participate in the selection process for the post of Driver along with other candidates, *inter alia*, with a further request to take into account his past experience as Driver to the Department. Since, applicant has not received any response to this representation, he has moved this Tribunal in this O.A. for direction to be issued to res.no.2 to consider his application as at A/4 and relax the upper age limit for the recruitment to the post in question.

5. We have considered the rival submissions at a considerable length. At this stage, we are not inclined to express any opinion on the merit of the matter. Since grievance of the applicant is stated to be pending consideration, we would direct res.no.2 to consider and dispose of the aforesaid representation(A/4), if at all pending, in the light of extant rules and regulations and communicate the decision thereon to the applicant in a reasoned and speaking order within a period of sixty days from the date of receipt of this order.

6. With the above observation and direction, this O.A. is disposed of at the stage of admission itself. No costs.

7. On the prayer made by the learned counsel, copy of this order along with paper book of O.A. be sent to res.no.2 by Speed Post at the cost of the


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applicant for which Mr.P.K.Satpathy undertakes to file the postal requisites by
18.7.2016.

8. Free copy of this order be made over to learned counsel for both the
sides.

S.K.PATTNIK
(S.K.PATTNIK)
MEMBER(J)

R.C.MISRA
(R.C.MISRA)
MEMBER(A)

BKS