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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00655 OF 2016

Cuttack, this the 21st day of September, 2016

CORAM

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

HON'BLE MR. S.K. PATNAIK, MEMBER (J)

.....

Hemanta Kumar Seth, aged about 27 years, S/o. Kishore Kumar Seth, At-Lathor, P.O. Lathor, Via-Harishankar Road, Dist-Bolangir. Odisha.

...Applicant

By the Advocate – M/s. P.K. Mohapatra, S.C. Sahoo

-VERSUS-

Union of India Represented through

1. Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Govt. of India, South Block, New Delhi-110011.
2. Deputy Commissioner, Navodaya Vidyalaya Samiti, Regional Office, At-135, Gate No.2, Alakapuri, Near Bahibganj, Bhopal, M.P.-463034.
3. Principal, Jawahar Navodaya Vidyalaya, Belpada, At/Po- Belpada, Dist-Bolangir.

...Respondents

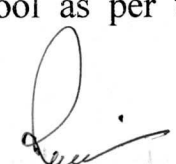
By the Advocate- Mr. M.R. Mohanty

ORDER (Oral)

R.C.MISRA, MEMBER(A):

Heard Mr. P.K. Mohapatra , Ld. Counsel appearing for the applicant and Mr. M.R. Mohanty, Ld. ACGSC appearing for the Respondents-NVS on whom a copy of this O.A. has already been served and perused the materials placed on record.

2. The applicant in the present case has submitted that he had applied for the post of Mess Helper in the Jawahar Navodaya Vidyalaya, Belpada, Bolangir in response to the Notification dated 20.10.2014. It is pointed out that the age limit had been prescribed between 18 to 30 years as on 31.10.2014. In response to the advertisement, the applicant who is a Scheduled Caste candidate had applied for the said post of Mess Helper on 07.11.2014 along with required papers and certificates. It is his allegation that Respondent No.4 who also applied in response to the said advertisement and whose date of birth is actually 13.04.1971 was (wrongly mentioned as 13.04.1979) and has been selected for the said post. The allegation further made by the applicant is that the actual date of birth of Respondent No.4 is 13.04.1971 according to the Transfer Certificate of the School as per the information received by the



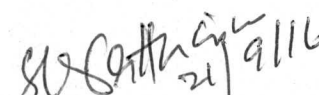
him under RTI Act. Mr. Mohapatra submitted that on the relevant date the Respondent No.4 has already crossed the age limit for submission of the application for this post. It is the further submission of the Ld. Counsel is that the applicant will be eligible for the said post if the Respondent No.4 will be disqualified. Ventilating his grievance the applicant has submitted representation dated 02.09.2015 (Annexure-A/8) to the Deputy Commissioner, Navodaya Vidyalaya Samiti, Regional Office, Bhopal (Respondent No.2) and the same is still pending before Respondent No.2 without being disposed of.

3. On considering the submissions of Ld. Counsel for both the sides, since a representation dated 02.09.2015 (Annexure-A/8) is pending consideration we are not inclined to admit this O.A. In view of this, without expressing any opinion on the merit of the matter, we would direct Respondent No.2 to consider and dispose of the representation dated 02.09.2015 (Annexure-A/8) if it has been received and is still pending at his level with a reasoned and speaking order in accordance with the rules and instructions and communicate the decision thereon to the applicant within a period of 60 (sixty) days from the date of receipt of this order.

4. With the observation and direction as aforesaid, the O.A. is disposed of at the stage of admission itself. No costs.

5. On the prayer made by Mr. P.K. Mohapatra, Ld. Counsel appearing for the applicant copy of this order along with paper book of O.A. be sent to Respondent No.2 at the cost of the applicant for which Mr. Mohapatra, undertakes to file the postal requisites by 23.09.2016.

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


(S.K.PATNAIK)
MEMBER (J)


(R.C.MISRA)
MEMBER(A)