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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O.A. No. 260/00667/2016.
this the 23RD day of September, 2016

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

Smt. Neela Swain aged about 34 years W/o Narayan Biswal, At-Brahmanigaon, Padmanavapur, PO BGP Pur, PS Barang, Dist. Cuttack. Presently working as GDSBPM, BGP Pur B.O., PO BGP Pur, PS Barang, District Cuttack.

...Applicant
By the Advocate : **Shri S.K.Patra-I**
-VERSUS-

1-Union of India represented through Director General, Department of Posts, Dak Bhawan, New Delhi – 110 001.
2-Chief Post Master General, Odisha Circle, Bhubaneswar, Dist. Khurda.
3-Senior Superintendent of Post Office, Cuttack City Division, Cantonment Road, Cuttack.

...Respondents
By the Advocate : **Shri A.C.Deo**

O R D E R (Oral)

R.C.MISRA, MEMBER(A) :

Heard Shri S.Patra-1, learned counsel for the applicant and Shri S.C.Deo, learned ACGSC for the respondents, on whom a copy of this O.A. has been served.

2. Learned counsel for applicant submitted that applicant being duly selected, was appointed as GDSMD BGP PUR B.O. in account with Barang S.O. vide order dated 18.09.2013 issued by the Assistant Superintendent Posts I/C, Cuttack (East) Sub Division, Cuttack. While she was working as such, the regular GDSBPM retired from the service on 26.01.2015. After such retirement, the applicant



pursuant to the order dated 07.01.2015 of the respondent No. 3, is continuing in the said vacant post of GDSBPM from 26.01.2015. On 04.07.2015, the applicant made a representation to the respondent No. 3 making a prayer that she should be permanently absorbed in the post of GDSBPM in BG Pur B.O. in account with Bajrang S.O. The applicant had submitted in the representation that she has passed in Higher Secondary Examination with 70% marks and is permanent resident of BGP Pur and eligible for appointment as GDSBPM. In the course of hearing on admission, a question was raised, as to whether, applicant has any right of being considered for regular appointment in a post on the ground that she has been asked to function against that post in the absence of regular incumbent. In reply to this, learned counsel for applicant cited a case of one Smt. Rashmi Rani Pradhan mentioning that she was working as GDS MD in Raipur B.O. in account with Fulnakhara SO and was transferred to the post of GDSBPM, Pandalam BO in account with Kalapathara SO in the Cuttack City Division by order dated 23.08.2016 issued by the office of Chief Post Master General, Odisha Circle. The contention of the learned counsel is that Smt. Rashmi Rani Pradhan being placed in similar situation, has been allowed regular posting as GDSBPM. On the contrary, the representation of the applicant was not considered by the respondent No. 2 (Chief Post Master General, Odisha).

3. We have noticed that a representation has been made by the applicant to the Chief Post Master General, Odisha (Respondent No.2) on 08.09.2016 in which she had



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 prayed for appointment to the post of GDSBPM , BGP Pur on a regular basis. She further has mentioned to the authorities that when the case of Smt.Rashmi Rani Prdhan has been considered, non-consideration of her case amounts to discrimination.

4. Considering the submissions at the stage of admission without going into merits of the matter, we direct the respondent No. 2 to dispose of the representation, if it is pending at his level, with reasoned and speaking order which shall be communicated to the applicant within a period of 60 (sixty) days from the date of receipt of a copy of this order. With this observation and direction, the O.A. stands disposed of at the stage of admission.

5. A copy of this order be sent to respondents No. 2 and 3 at the cost of the applicant for which necessary requisites may be filed by 26.09.2016. A free copy of this order may be supplied to learned counsel for both sides.


 [S.K.Pattnaik]
 Member(J)


 [R.C.Misra]
 Member (A)