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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O.A.No. 531 of 2012

Cuttack, this the 19th day of July, 2012

I.C.SinghApplicant
-Versus-
UOI and othersRespondents

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ORDER

Coram:

The Hon'ble Mr.C.R.Mohapatra, Member (Admn.)

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This OA has been filed by the Applicant seeking the following reliefs:

“The Hon'ble Court may be graciously pleased to admit the Original Application, issue notice to the Respondents and issue a direction to allow the applicant to discharge his duty by accepting his joining report submitted on 3.5.2012 pursuant to offer of appointment issued vide Annxure-A/7 on 27.04.2012 and having been found fit by the Medical Board in Annexure-A/11 by considering his representation in Annexure-12 within a stipulated time.”

2. On the other hand, by way of ad interim measure, the applicant has sought the following reliefs:

“The Respondents be directed not to fill up the post of Multi Tasking Staff (MTS) in pay band –I of Rs.5200-20200/- with grade pay of Rs.1,800/- in the office of the Accountant General (G&SSA), Orissa for which the applicant has been issued offer of appointment vide Annexure-A/7 pending finalization of the Original Application.”

3. After giving in depth consideration to the rival submissions of Mr.B.R. Sarangi, Learned Counsel for the Applicant and Mr.P.R.J.Dash, Learned ASC appearing for the Respondents I have gone through materials placed in support of the pleadings of the

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Applicant. But, at this stage, I do not find any prima facie case to call upon the Respondents to file their counter due to the following grounds:

- (i) While I understand the anxiety of the Applicant to join the post of MTS but he has not been able to produce any offer of appointment;
- (ii) The letter under Annexure-A/7 dated 27.4.2012 Is only an offer setting out terms and conditions of appointment and seeking their acceptance along with certain documents. This also indicates that some case on the subject is subjudice in this Tribunal;
- (iii) Though the applicant states that pursuant to this offer under Annexure-A/7, he has given his letter of acceptance no document has been produced in this regard except copy of the joining report even before issue of offer of appointment.
- (iv) Applicant made representation to the Respondent No.1, under Annexure-A/12 dated 14.06.2012. As it appears, without allowing any breathing space, he rushed to this Tribunal in the present OA.

4. On being queried, Mr. Sarangi, Learned Counsel for the Applicant submitted that the applicant would be satisfied if this OA is disposed of at this admission stage with direction to the Respondent

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No.1 to consider his pending representation at Annexure-A/12 dated 14-06-2012 and communicate the decision in a well reasoned order to the Applicant within a stipulated period.

5. In view of the above, without expressing any opinion on the merit of the matter, this OA is disposed of at the admission stage calling upon the Respondent No.1 to take a view on the pending representation at Annexure-A/12 and communicate the result thereof in a well reasoned order to the Applicant as expeditiously as possible but not later than a period of 3(three) months from the date of receipt of copy of this OA.

6. Incidentally, I observe that this OA has been registered and sent to the Bench for consideration even without impleading the Union of India represented by the Comptroller & Auditor General of India, 10, Bahadur Saha Zafar Marg, New Delhi-110 002 as a necessary party. The Registry is directed to conduct proper scrutiny before the matter is registered. This may be noted by the Joint Registrar for compliance.

7. Send copy of this order along with OA to the Respondent No.1 and free copy of this order be given to Learned Counsel for both sides.


Member (Admn.)