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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

Original Application No. 827 of 2013
Cuttack this the 3rd Day of January, 2013

CORAM

HON'BLE MR.A.K.PATNAIK, JUDICIAL MEMBER

Biswamitra Behera
Aged about 39 years
S/o.Kutartha Behera
At-Khairpai
PO-Sindurpank
Dist-Sambalpur

...Applicant

(Advocates: M/s.J.K.Lenka & P.K.Behera)

-VERSUS-

Union of India represented through

1. The Secretary,
Ministry of Broadcasting Corporation of India
Prasar Bharati
Copernicus Marg
New Delhi-110 001
2. Director General.,
Doordarshan Bhawan
Prasar Bharati Broadcasting Corporation of India
Copernicus Marg,
New Delhi-110 0011
3. Station Engineer
Prasar Bharati Broadcasting Corporation of India,
Doordarshan Maintenance Centre
PO Box No.1, V.S.S.Marg
Sambalpur-768001

...Respondents

(Advocates:Mr.G.Singh, ASC)

ORDER(ORAL)

MR.A.K.PATNAIK, MEMBER(J):

Heard Shri P.K.Padhi, learned counsel for the applicant and Shri G.Singh, learned
ASC appearing on behalf of the Respondents.

2. This Original Application has been filed by the applicant seeking the following
relief.

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- i) To quash/set aside the letter dtd. 8/11.5.2009 and telegramme td. 4.4.2001 at Annexure-A/5 and A/6 series

and direct the Respondents to appoint the applicant as Helper on the basis of merit/select list at Annexure-A/2.

- ii) Declare that non appointment of the applicant is illegal, arbitrary and discriminatory being violative of Article 14 and 16 of the Constitution of India
- iii) And pass any other order(s)/direction(s) which would afford complete relief(s) to the applicant in the facts and circumstances of the case.

3. Perusal of records reveals that vide notice dated 7/13.12.1999 (Annexure-A/2) applicant had been selected for the post of Helper, being placed at Sl.No.3. His grievance is that on 30.11.2000, although candidates figuring at Sl.Nos. 1 and 2 have been appointed, but this applicant was not appointed on the pretext of a ban order. It appears that the applicant, ventilating his grievance, had preferred a representation dated 2.6.2009(Annexure-A/7) to Respondent No.2 and having received no response has moved this Tribunal in the present O.A.

4. Applicant having submitted his representation in the year 2009 has not given any cogent reasons as to why he did not avail the opportunity known to law. At this stage learned counsel for the applicant submitted that he would be satisfied if a direction is issued to consider the pending representation by the Respondent No.2 within a specific time frame.


5. Having considered the submissions made by the learned counsel for the parties, I dispose of the Original Application at this stage by giving a liberty to the applicant to file a fresh representation before Respondent No.2 within a week and in case any such representation is received, the Respondent No.2 shall consider the same on merit and communicate the decision thereon through a reasoned and speaking order to the applicant within a period of two months from the date of receipt of such representation.

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

b/c

7. Send a copy of this order along with copy of the O.A. to Respondent No.2 at the cost of the applicant, for which Shri P.K.Behera undertakes to file the requisites by 7.1.2013.

8. Free copies of this order be also made over to the learned counsel for the parties.


(A.K.PATNAIK)
MEMBER(J)

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