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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

**ORIGINAL APPLICATION NO. 849 OF 2012
CUTTACK, THIS THE 23rd DAY OF NOVEMBER, 2012**

CORAM

HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)

.....

Kishore Kumar Kar,
Aged about 53 years,
S/o. Late Arjun Kar Kar,
At present working as
Sorting Asst., SRO,
RMS(N) Division, Bhubaneswar.

.....Applicant

Advocate(s) M/s. S.Mallick, P.C.Das.

VERSUS

Union of India represented through

1. The Secretary to Govt. of India,
Department of Posts,
New Delhi-110001.
2. The Chief Postmaster General,
Odisha Circle, Bhubaneswar,
Dist-Khurda.
3. Senior Superintendent
RMS (N) Division,
Cuttack-1

..... Respondents

Advocate(s)..... Mr. B.K.Mohapatra .



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O R D E R (ORAL)

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

Heard Mr. S.Mallick, Ld. Counsel for the applicant and Mr. B.K.Mohapatra, Ld. Addl. Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served.

2. It is seen that in view of the order passed by Assistant Director (Staff), O/o Chief Postmaster General, Odisha Circle addressed to the SSRM N Division, Cuttack, an order has been passed on 14.11.2012 by the Sr. Superintendent RMS 'N' Division, Cuttack, which has been challenged by the applicant in the present O.A. Mr. Mallick, Ld. Counsel for the applicant, brought to my notice the provisions as enumerated under Paragraphs 28 A (i) & 28 A (ii) of the MACP Scheme as well as the clarification dated 18.10.2010, which has been issued by the Govt. of India and annexed as Annexure-2. However, no representation has been made with the departmental authorities. Accordingly, Mr. Mallick prays that liberty may be granted to the applicant to make representation and till such time no recovery should be made.

3. Mr. Mohapatra, Ld. A.S.C., submits that no impugned order has been filed in this case and even if Annexures 13 and 14 are treated as impugned order still then no representation has been made by the applicant against that orders and as per CAT, Act the applicant should not have come to this Tribunal without exhausting the remedy available to him.

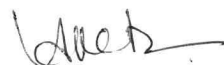
4. Taking into consideration the submissions made by the respective counsel for the parties, I dispose of this O.A. giving liberty to the applicant to make representation to Respondent Nos. 2 and 3 within a period of 14 days from today and if such a representation is made before the



Respondent Nos. 2 and 3 then they are directed to consider and dispose of the same by way of reasoned and speaking order within a period of two months from the date of receipt of the representation and communicate the result to the applicant within 7 days thereafter. Till the decision is taken on the representation, no recovery, as stated under Annexure-13 and 14, will be made.

5. As prayed for by Mr. Mallick, Ld. Counsel for the applicant, copy of this order along with paper book be transmitted to Respondent Nos. 2 and 3 at his cost. He undertakes to deposit the postal requisites by 26.11.2012.

6. With the aforesaid order and direction, the O.A. stands disposed of at the stage of admission itself.


(A.K. PATNAIK)
MEMBER(JUDL.)

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