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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO. 857 OF 2012
CUTTACK, THIS THE 11th DAY OF DECEMBER, 2012

CORAM

HON'BLE DR. RAMESH CHANDRA PANDA, MEMBER (ADMN.)
HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)

.....

J.Lakshmee Narayan Patra,
(Ex-ED BPM, Galagandapall inA/c with Rambha SO),
Aged about 35 years,
S/o. J. Murali Patra,
At/PO- Golagandapalli, Via -Rambha,
Dist-Ganjam, Odisha

.....Applicant

(Advocate(s) M/s. G.K.Behera & D.R.Mishra.)

VERSUS

1. Union of India represented through
The Director General of Post,
Dak Bhawan, Snansad Marg, New Delhi-110001.
2. The Chief Postmaster General,
Odisha Circle, Bhubaneswar,
Dist-Khurda, Odisha.
3. The Post Master General,
Berhampur Region, Berhapur-760001,
Dist-Ganjam, Odisha.
4. Sr. Superintendent of Post Offices,
Berhampur Division, (Gm.)-760001

..... Respondents

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

O R D E R (ORAL)

DR. RAMESH CHANDRA PANDA, MEMBER (ADMN.):

Heard Mr. G.K.Behera, 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, at the admission stage.

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2. It is submitted by Ld. Counsel for the applicant that the applicant was sponsored by the Employment Exchange, Chatrapur for the post of ED BPM, Galagandapalli and having been selected was appointed from 07.03.1995 but consequent to the re-instatement of Sri Narayan Nath on 04.02.1998 the applicant's service was terminated. He submitted a representation to adjust him in any ED post vide his letter dated 21.02.1998 but the same was rejected on the ground that he worked for less than 3 years. However, the applications were invited for the different ED Posts and he submitted his application which was not entertained. Being aggrieved, he moved this Tribunal in O.A. NO. 411/99, which was disposed of with an observation that in case the applicant applied for those posts then he should be considered strictly in accordance with the rules and in case those posts have been filled up and he applied for any other ED posts then he should be considered. It is the case of the applicant that though he applied for the post of GDS BPM, S.B. Jagadevpur but he was not considered and feeling aggrieved he approached this Tribunal in O.A. No. 645/09, which was again disposed of on 26.02.2010 with direction to consider his grievance and dispose of the same within a stipulated time frame. The Respondents informed him that Sri A. Sibasankar Dora having secured highest percentage of marks was selected for the post. In the meantime, Sri Narayan Nath, who replaced the applicant as ED BPM, Galagandapalli, expired and as such the said post has been lying vacant. It is submitted that the said Narayan Nath had replaced the applicant and as such the applicant submitted his representation dated 25.10.2012 (Annexure-A/9) with request to post him against the vacant post.

3. Explaining the above background, Ld. Counsel for the applicant would submit that the applicant would be satisfied if the applicant's

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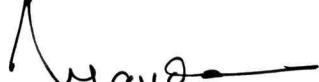
representation dated 25.10.2012 available at Annexure-A/9 may be directed

to be considered and decision taken by the 3rd Respondent.

4. We are not issuing notice to the Respondents as our present order would not prejudice the interest of the Respondents in any manner. We, therefore, intend to dispose of the present O.A. As the 4th Respondent is yet to decide the applicant's representation dated 25.10.2012 pending with him, in view of the above, on the request made by the Ld. Counsel for the applicant, without going into the merits of the case, we dispose of the present application with direction to 3rd Respondent to consider the applicant's representation dated 25.10.2012 dispassionately as per law and communicate him the decision in case the decision goes against the applicant. Let the representation be considered and decided within a period of 9 weeks from the date of receipt of certified copies of this order.

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


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


(DR. R.C. PANDA)
MEMBER(ADMN.)

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