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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No. 158 of 2013
Cuttack this the 25th day of April, 2013

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

Ananta Charan Nayak, aged about 56 years, S/o. late Narayan Nayak, Vill-Jayamanga, PO-Narasinghpur, Dist-Cuttack – presently working as Additional Secretary to Government, Food Supplies and Consumer Welfare Department, Odisha Secretariat, Bhubaneswar, Dist-Khurda

...Applicant

By the Advocate-Mr.B.Routray

-VERSUS-

Union of India represented through

1. The Secretary to Government, Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pension, New Delhi-110 001
2. State of Odisha, represented through the Chief Secretary, General Administrative Department, Secretariat Building, Bhubaneswar, District-Khurda
3. Union Public Service Commission represented through its Secretary, Dholpur House, Sahajahan Road, New Delhi-110 069
4. Chuamani Seth, Project Director, D.R.D.A., Koraput, District-Koraput
5. Gobinda Ch.Sethi, Collector and District Magistrate, Kalahandi, District-Kalahandi
6. Sanjay Kumar Habada, Director, Textiles, Odisha, Bhubaneswar, Dist-Khurda

...Respondents

By the Advocates:Ms.S.Mohapatra
Mr.P.R.J.Dash
Mr.G.C.Nayak



ORDER

HON'BLE SHRI A.K.PATNAIK, MEMBER(J)

Heard Shri B.Routray, learned Senior Counsel, assisted by Shri S.Dash, for the applicant. Shri Routray submitted that the applicant has challenged the proceedings and recommendation of the Selection Committee vide Annexure-1. Shri Routray brought to our notice that after the Orissa Administrative Tribunal, Cuttack Bench passed the order in O.A.No.1396© of 2001, Government of Orissa has already re-casted the seniority vide Annexure-4 dated 25.2.2013. However, the order passed by the Orissa Administrative Tribunal as well as consequential action taken by the Government of Odisha was not brought to the notice of Respondent Nos. 1 and 3 and therefore, in the Selection Committee meeting the case of the applicant has been ignored. Shri Routray further submitted that the applicant wants to make a representation to Respondent No.1 as well as Respondent No.3 through Respondent No.2 for reconsideration of his case for holding review meeting of the Selection Committee as enumerated under the UPSC Guidelines vide Annexure-A/5 and prayed for direction to be issued to the said Respondents to consider and take a decision within a specific time frame on the representations to be filed by him. Shri Routray also brought to our notice the interim order passed by the Orissa Administrative Tribunal.

2. On the other hand Shri G.C.Nayak, learned Government Advocate representing the State of Odisha submitted that the Selection Committee having held on 8.8.2011 which was prior to

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disposal of O.A.No.1396© of 2001 by the Orissa Administrative Tribunal, i.e., 7.8.2012, there was no scope available with the Selection Committee to take into consideration the case of the applicant.

3. Shri P.R.J.Dash, learned counsel appearing for the UPSC submitted that till date no such representation is pending before the UPSC. Ms.S.Mohapatra, learned Addl. Central Govt. Standing Counsel appearing on behalf of Respondent No. 1 also submitted that no such representation is pending before Respondent No.1.

4. In consideration of submissions made by the learned counsel for the parties, we dispose of this O.A. by granting liberty to the applicant to make a comprehensive representation to Respondent No.2 along with necessary documents, with an advance copy to Res.No.1 and 3. Respondent No.2 is directed to take all the steps to consider the said representation and if it finds any merit on the said representation, the same may be forwarded to Res.Nos. 1 and 3 within a period of sixty days from the date of receipt of this order. Shri Routray undertakes to file representation to Respondent No.2 within a week.

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

6. Send copies of this order to Respondent Nos.1, 2 and 3 along with paper book. Free copies of this order be made over to the learned counsel for the parties.

(R.C.MISRA)
MEMBER(A)

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(A.K.PATNAIK)
MEMBER(J)