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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. No. 163 of 2013

Cuttack, this the 26th day of March, 2013

CORAM

HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)
HON'BLE MR.R.C.MISRA, MEMBER (ADMN.)

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Shri Akrura Pradhan,
Aged about 53 years,
Son of Late Hrudananda Pradhan,
Postal Assistant,
Nalconagar MDG,
Dist.Angul.

....Applicant

(Advocate(s) : M/s. G.Rath,S.Rath,B.K.Nayak-3,D.K.Mohanty)

VERSUS

Union of India Represented through

1. The Director General of Posts,
Minsitry of Communications,
Department of Posts,
Dak Bhawan,
New Delhi-110 001.
2. The Chief Postmaster General,
Odisha Circle,
Bhubaneswar,
Dist. Khurda,
PIN-751 001.
3. The Postmaster General,
Sambalpur Region,
Sambalpur,
Odisha.

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4. The Superintendent of Post Offices,
Dhenkanal Division,
Dhenkanal,
PIN-759 001.

5. The Postmaster,
Angul Head Post Office,
Angul.

6. The Director of Accounts (Postal),
Mahanadi Vihar,
Cuttack-4.

7. The Assistant Accounts Officer/Int.Audit,
Postal Accounts,
Cuttack-753 004.

8. Shri Jagabandhu Sahu,
Postal Assistant,
Dhenkanal Division,
Dhenkanal.

.... Respondents

(Advocate: Mr.S.Barik)

O R D E R

A.K.PATNAIK, MEMBER (J):

The Applicant who is a Postal Assistant in Nalconagar MDG, Dist.Angul/Odisha has filed this Original Application under section 19 of the Administrative Tribunals Act, 1985 challenging the letter No. Int. Audit/1 R-1075/10-11/698 dated 09.10.2012 of the Respondent No.7 to the Respondent No.6 and the order No.B.5/Stepping up Pay/08 dated 12.3.2013 with prayer to quash the above orders and to direct the Respondents to restore his pay and pay him all consequential benefits

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retrospectively. By way of ad interim measure, he has prayed to stay the letter dated 09.10.2012 (Annexure-A/2) and the letter dated 12.03.2013 (Annexure-A/6). According to the Applicant the above orders are not sustainable being against the law relied on by him in the Original Application.

2. Copy of this Original Application has been served on Mr.S.Barik, Learned Additional CGSC for the Union of India. Heard Mr.G.Rath, Learned Senior Counsel, assisted by Mr.D.K.Mohanty, Advocate, appearing for the Applicant and Mr.S.Barik, Learned Additional CGSC appearing for the Respondents and perused the records.

3. We find that the order at Annexure-A/6 impugned in this OA has been issued by the Respondent No.4 on consideration of the representation of the applicant as per the order of this Tribunal dated 23rd November, 2012 in OA No. 852 of 2012 filed by the Applicant earlier along with others. In the earlier OA liberty was granted to the Applicants to submit representation individually which shall be considered and disposed of ^{by} the Respondent No.4 with reasoned order and communicate the same to the applicant. Hence in compliance of the order of this Tribunal the Respondent No.4 should have issued order

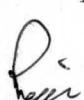
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individually instead of jointly as in Annexure-A/6. We, therefore, hold that the order at Annexure-A/6 is not in conformity of the earlier order of this Tribunal. Hence the order at Annexure-A/6 is hereby quashed and the matter is remitted back to the Respondent No.4 to consider the points raised by the applicant in his representation and communicate him the decision in a reasoned order at an early date. Till then the letter/communication dated 09.10.2012 at Annexure-A/2 shall not be given effect to.

4. With the aforesaid observation and direction this OA stands disposed of without entering to the merit of this matter, at this admission stage. There shall be no order as to costs.

5. Copy of this order along with OA be transmitted to the Respondent No.4 at the cost of the Applicant; for which Mr.D.K.Mohanty, Learned Counsel for the Applicant undertakes to furnish the postal requisite in course of the day.


(R.C.Misra)
Member (Admn.)


(A.K.Patnaik)
Member (Judl.)