

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 473 OF 2013
Cuttack this the 4th day of April, 2014

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

Ashwini Kumar Mohapatra,
aged about 33 years,
Son of Late Ananta Charan Mohapatra,
At- Paripada, Po.- Paripada, Nizampur,
PS- Mangalpur, Dist- Jajpur.

...Applicant

(Advocates: M/s. P.K. Mohanty, P.K. Behera)

VERSUS

Union of India Represented through

1. Director General of Posts,
Ministry of Communications, Dak Bhawan,
New Delhi.
2. Chief Post Master General,
Odisha Circle,
Bhubaneswar-751001.
3. Superintendent of Post Offices,
Cuttack North Division,
Cuttack-1.
4. Asst. Superintendent of Post Offices,
Jajpur Sub-Division,
Jajpur- 755001.

... Respondents

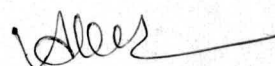
(Advocate: Mr. B.K. Mohapatra)

ORDER (ORAL)

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

Copy of this OA has been served on Mr. B.K. Mohapatra, Ld.

Addl. CGSC appearing for the Respondents, who accepts notice for all the Respondents in this OA. Registry is directed to serve notice, in terms of Sub rule 4 of Rule 11 of the CAT (Procedure) Rules, 1987 for onward



transmission. Heard Mr. P.K. Mohanty, Learned Counsel for the Applicant, and Mr. B.K.Mohapatra, Ld. Addl. CGSC appearing for the Respondents, and perused the materials placed on record.

2. This Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 challenging the impugned order dated 23/25 April, 2013 passed by Respondent No.2 with a further prayer to direct the Respondents to give him appointment on compassionate ground. The applicant had earlier approached this Tribunal in O.A. No. 85/13 with the self same prayer, which was disposed of by directing Respondent No.2 to "consider the case of the applicant two times more by taking into consideration the points raised by the applicant in his representation dated 11.04.2012". We find from the record that pursuant to the above direction, Respondent No. 2 issued an order dated 23/25.04.2013 (Annexure-A/7) rejecting the representation of the applicant. We are constrained to note that while the direction of this Tribunal was to consider the case of the applicant two times more by taking into consideration the various points raised in the representation, the same has been rejected only referring the grounds taken by CRC Meeting, which was held on 12.12.2011. In our considered view, the order dated 23/25.04.2013 is a cryptic one and the case of the applicant deserves re-consideration.


3. In view of the aforesaid, We quash the order dated 23/25.04.2013 (Annexure-A/7) as the same has not been passed as per the direction of this Tribunal and remit the matter back to Respondent No.2 for reconsideration of the case strictly as per the order passed by this Tribunal on 18.03.2013 in O.A.No. 85/13 and while considering the case of the applicant the points raised in the representation be kept in mind.

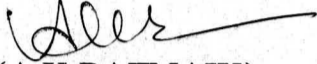


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4. With the aforesaid observation and direction, this O.A. stands disposed of at the stage of admission itself. No costs.

5. Copy of this order be transmitted to Respondent No. 2 by Speed Post at the cost of the applicant, for which Mr. Mohanty, Ld. Counsel for the applicant, undertakes to file the postal requisites.


(R.C.MISRA)
MEMBER (Admn.)


(A.K.PATNAIK)
MEMBER(Judl.)

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