

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 549 OF 2013
Cuttack, this the 14th day of August, 2013

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

.....

Mahadeb Behera,
aged about 19 years,
Son of Sudarsan Behera
At-Ramachandrapur, P.O-Debasole,
P.S.-Rasgobindapur,
Dist-Mayurbhanj.

.....Applicant

Advocate(s)..... M/s. N. Panda, S.P. Barik

VERSUS

Union of India represented through

1. The Chief Post Master General,
Orissa Circle, Bhubaneswar,
Dist-Khurda.
2. Assistant Superintendent of Post Office (I/C)
Baaripada Central Sub-Division,
At/Po-Baripada, Dist-Mayurbhanj.
3. Post Master,
Baaripada Head Post Office,
At/Po-Baripada, Dist-Mayurbhanj.
4. Pradeep Kumar Dhal (S.C. Category),
S/O-Dologobinda Dhal,
At/Po-Bachuriapal, P.S-Rashgovindapur,
Dist-Mayurbhanj

..... Respondents

Advocate(s)..... Mr. S.B.Jena

ORDER (ORAL)

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

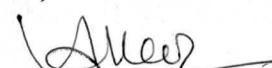
Heard Mr. N. Panda, Ld. Counsel for the applicant, and Mr. S.B.Jena, Ld. Addl. Central Govt. Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served.

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2. The applicant, in this O.A., filed under Section 19 of the Administrative Tribunals Act, 1985, has challenged the notification No. A/Debsole/13 issued on 17.05.2013 and the selection of Respondent No. 4 as Gramin Dak Sevak. At the outset, Mr. Panda, Ld. Counsel for the applicant, submitted that earlier the said post which was advertised by Respondent No.2, Asst. Superintendent of Post Offices, In-charge, Baripada, was held by one General Category candidate and after him the same has been converted into reserved post, i.e. Scheduled Caste; accordingly, the notification has been called to appoint a person from the Scheduled Caste category. Mr. Panda further submitted that the applicant belongs to Scheduled Caste category and he is otherwise eligible for appointment but due to lack of wide publication of the advertisement, applicant and other eligible persons were deprived of ~~to take~~ part in the selection.

3. Mr. S.B.Jena, Ld. ACGSC, by bringing our notice to the advertisement made under Annexure-1 series submitted that the allegation made by the applicant is not a fact as in the advertisement itself it has been marked to the Sarpanch, Debsole GP, Head Master, Debsole Ashram High School, The GDSBPM, Devsole B.O., and the Tahasildar, R.G.Pur. Therefore, it cannot be said that the departmental authorities have not taken adequate steps for advertisement. However, on the other hand, Mr. Jena has no upto date information on the status of the representation or at all such a representation has been made on 22.07.2013.

4. Taking into account the submissions made by the rival parties, without entering into the merit of this case, we dispose of this O.A. at the stage of admission itself by directing Chief Postmaster General, Odisha Circle, Respondent No.1, to consider the representation, if at all made by



the applicant on 22.07.2013 and if the same is still pending, and dispose of the same by way of a well reasoned order and communicate the result thereof to the applicant within 30 days from the date of receipt of copy of this order. However, if in the meantime said representation has already been disposed of then the result thereof be communicated to the applicant within two weeks from the date of receipt of copy of this order.

5. Mr. Panda, Ld. Counsel for the applicant, submitted that since private Respondent No.4, Mr. P.K.Dhal, who has been selected by the departmental authorities has not yet joined the post, till disposal of the representation status quo may be maintained. Taking into account such submission of Mr. Panda, we direct the status quo to be maintained so far a GDS MD-cum-Mail Carrier post is concerned, till disposal of the representation.

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

7. Copy of this order, along with paper book, be transmitted to Respondent Nos. 1 and 2 by Speed Post at the cost of the applicant, for which Mr. Panda, Ld. Counsel for the applicant, undertakes to file the postal requisites by 19.08.2013.


MEMBER (Admn.)


MEMBER (Judl.)

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