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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 560 OF 2013

Cuttack, this the 16th day of August, 2013

CORAM

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

HON'BLE MR. R.C. MISRA, MEMBER (A)

.....

Prakash Kumar Chuhan,
aged about 33 years,
Son of Rabindranath Chuhan,
Presently working as GDS BPM,
I/C, Baradiha, B.O. in account with Hatigarh, S.O.
Under Jaleswar H.O. Balasore
Residing At-Chafla, Po. Kankei,
P.S.-Raibania, Dist-Balasore,

.....Applicant

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

VERSUS

Union of India represented through

1. Director General of Post,
Ministry of Communication,
Department Posts,
Sansad Marg, Dak Bhawan,
New Delhi-1.
2. Chief Post Master General,
Orissa Circle, Bhubaneswar,
Dist-Khurda-751001.
3. Superintendent of Post Offices,
Balasore Division,
Balasore-756001.
4. Inspector,
Jaleswa (west) Sub Division,
Jaleswar, Dist- Balasore.

..... Respondents

Advocate(s)..... Ms. S. Mohapatra



O R D E R (ORAL)

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

Heard Mr. D.K.Mohanty, Ld. Counsel for the applicant, and Ms. S. Mohapatra, Ld. Addl. Central Govt. Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served.

2. In this instant O.A. filed under Section 19 of the Administrative Tribunals Act, 1985, applicant challenges inaction of the Respondents in not considering his case for appointment as GDS BPM of Baradiha B.O. in account with Hatigarh S.O. under Jaleswar H.O. by extending the benefit of DG Posts circular dt. 17.07.2006. Mr. D.K.Mohanty, Ld. Counsel appearing for the applicant, submitted that the applicant has ventilated his grievance by way of a representation dated 03.10.2012 addressed to the Chief Post Master General, Odisha Circle, i.e. Respondent No.2, but till date no communication from Respondent No. 2 has been received by the applicant. On the other hand, Mr. Mohanty brought to our notice that when such representation was still stated to be pending before Respondent No.2, a notification has been issued by the Superintendent of Post Offices, Balasore Division, Balasore, i.e Respondent No.3, inviting applications for the post of GDS BPM, Baradiha BO in account with Hatigarh S.O. under Jaleswar H.O.

3. Ms. S. Mohapatra, Ld. ACGSC appearing for the Respondents, vehemently opposed the prayer made by the applicant by stating that the aforesaid circular of the D.G. Posts dt. 17.07.2006 has already been superseded by another circular and the transfer of GDS employees from one post to another has been disallowed. However, she has no immediate instruction on the representation dated 03.10.2012, as has been stated to be filed by the applicant under Annexure-A/5.

Shukla

4. In view of the above, without entering into the merit of this case, we dispose of this O.A. at the stage of admission itself by directing Respondent No.2, i.e. Chief Post Master General, Odisha Circle, to consider the representation, if at all made by the applicant on 03.10.2012 and if the same is still pending, ^Pand dispose of the same by way of a reasoned and speaking order within 30 days from the date of receipt of copy of this order. However, as Mr. Mohanty submitted that the applicant has filed representation on 03.10.2012, more than 10 months' have passed and if the same has already been disposed of in the meantime then the result thereof be communicated to the applicant within two weeks from the date of receipt of copy of this order.

5. It is, however, made clear that till the representation is considered and result thereof is communicated to the applicant, if the representation has not yet been considered, status quo in respect of the appointment to the post of GDS BPM of Baradiha B.O. in account with Hatigarh S.O. under Jaleswar H.O. will be maintained.

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. 2 and 3 by Speed Post at the cost of the applicant, for which Mr. Mohanty, Ld. Counsel for the applicant, undertakes to file the postal requisites by 19.08.2013. Copy of this order be also handed over to Ms. Mohapatra, Ld. ACGSC, by 19.08.2013.


MEMBER (Admn.)

RK


MEMBER (Judl.)