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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O.A. No.89 of 2013
Cuttack this the 27th day of February, 2013

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

Sri Sreekanta Kar,
Aged about 57 years,
S/o.Late Suryamani Kar,
Sr.Post Master,
Bhubaneswar,
GPO
Dist.Khurda-751 001,
Village/Po-Mulabasanta,
Via-Kuanpal,
Dist. Cuttack.

By the Advocates: (Mr.P.K.Padhi)

.... Applicant

-VERSUS-

Union of India represented through -

1. The Secretary-Cum-Director General of Posts,
Dak Bhawan,
Sansad Marg,
New Delhi-10 116.
2. The Chief Postmaster General,
Odisha Circle,
Bhubaneswar,
Dist.Khurda-751 001.
3. Senior Superintendent of Post Offices,
Bhubaneswar Division,
At-Forest Park,
PO-Ashok Nagar,
Bhubaneswar,
Dist. Khurda -751 009.

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4. Chief Supervisor,
SBCO,
Bhubaneswar,
GPO,
Dist.Khurda-751 001
5. Padmanav Ransingh,
Retd. Chief Supervisor,
Bhubaneswar GPO,
At-Palasuni,
PO-Rasulgarh,
Bhubaneswar-751 010.

..... Respondents

By the Advocates: (Mr.J.K.Khandayatray)

O R D E R

A.K.PATNAIK, MEMBER(J)

A resolution has been passed by the CAT Bar Association, Cuttack and communicated to the Registry in letter dated 27.2.2013 which reads as under:

“To maintain solidarity in the legal fraternity, we the members of the CAT Bar Association have decided to abstain from attending court work today i.e. 27.2.2013.

Since the Bar Association is going to hold an emergent general body meeting on 28.2.2013 at 10.30 AM to decide about the future course of action, the Hon’ble HOD & Member (J) may kindly be communicated about our request to hold court at 11.00 AM on 28.2.2013.”

2. In view of the above neither the Learned Counsel for the Applicant nor any of the Learned CGSCs is present in Court. However, Applicant (Shri Sreekant Kara) who is present in Court prayed that as

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recovery would be effected from his salary payable on 28th February, 2013 the matter may be taken up today. Though we were not inclined to take up the matter in absence of any of the counsel for the Respondents, however, considering the urgency and the insistence made by the Applicant, this OA is taken up today.

3. Heard the applicant (Shri S.Kar) who is appearing in person and perused the records. In this Original Application the prayer of the applicant is to quash the order under Annexure-A/3 & A/5 and to direct the Respondents not to recover any amount from him. As an ad interim measure, the applicant has sought to stay the order under Annexure-A/3 & A/5 pending final decision on this OA.

4. Shri Sreekanta Kar who is appearing in person has submitted that since representation submitted by him on 08.2.2013 (Annexure-A/6) before the Chief Postmaster General, Odisha Circle, Bhubaneswar is still pending, ~~he will~~ he will be satisfied if this OA is disposed of with direction to the Respondent No.2 to consider and dispose of the said representation within a specified period and till then no recovery shall be effected. We do not feel that any prejudice would be caused to any of the parties, if this OA is disposed of at this stage in absence of the Respondents' Counsel, in view of the urgency pointed out by the applicant. Hence, without expressing any opinion on the merit of the matter, **this OA is disposed of with direction to the Respondent**

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**No.2 to consider and dispose of the representation dated 08.02.2013
if it is still pending with him and communicate the result thereof to
the Applicant within a period of six weeks and till then there shall be
no recovery towards the HRA, in question, from the pay of the
applicant.**

5. Send copy of the order along with OA to the Respondent
No.2 by special messenger today at the cost of the applicant who under
takes to deposit the cost in cash in the Registry by 1.00 pm. today.


(R.C.MISRA)
Member (Admn.)


(A.K.PATNAIK)
Member (Judl.)