

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

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O. A. NO. 865 OF 2013

Cuttack, this the 17th day of December, 2013

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

Tilottama Mishra, aged about 35 years,
W/o. Snehasis Panda, At-Katasahi, PO-Sahidnagar,
Dist-Bhadrak at present working as
GDSBPM/MD, (I/C) Sahid Nagar B.O in account with
Arnapal S.O under Bhadrak H.O. Dist-Bhadrak.

.....Applicant

Advocate(s).... Mr. D.K. Mohanty

VERSUS

Union of India represented through

1. Director General of Posts,
Ministry of Communication Dept. of Posts,
Sansad Marg, Dak Bhawan, New Delhi-110001.
2. Chief Post Master General,
Orissa Circle, Bhubaneswar
3. The Superintendent of Post Office,
Bhadrak Division, Bhadrak-756001
4. Inspector of Post Offices,
Bhadrak Sub- Division, Bhadrak.

..... Respondents

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

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ORDER (Oral)

A.K. PATNAIK, MEMBER (JUDL.)

The case of the Applicant in nut shell is that she is a graduate. She was selected and appointed through a regular process of selection to the post of GDSMD/MC, Nandore Branch Post Office in account with Arnapal Sub Post Office on 22.1.1999. While working as such, on 16.6.2000, in her present capacity, she was transferred to Lunia Branch Post Office. While working as such, again on 22.09.2010 by the order of the Respondent No.4 she has taken over the charge of GDSBPM, Sahid Nagar Branch Post Office in account with Arnapal Sub Post Office in Bhadrak District. Further case of the Applicant is that as per the existing instruction when an ED post fall vacant in the same post office or in any offices in the same place and if one of the existing EDAs prefers to work against that post and if he/she fulfills the conditions, he/she can be allowed to be appointed against that vacant post. Therefore, by making representation dated 23.01.2012, 25.7.2013 and 14.08.2013 before the Respondent Nos. 3 and 2, applicant has prayed to allow her to be absorbed permanently in the post of GDSBPM, Sahidnagar BO. But, according to the applicant, without considering her representations, as aforesaid, the Respondent No.3 issued advertisement dated 28.11.2013 inviting application from the open market candidate to fill up the said post.

2. Copy of this OA has been served on Ms.S.Mohapatra, Learned Additional CGSC for the Union of India. Heard Mr.D.K.Mohanty, Learned Counsel for the Applicant and Ms.S.Mohapatra, Learned Additional CGSC appearing for the Respondents and perused the records.

3. By reiterating the facts and provisions for allowing one of the existing EDAs desires to work the applicant has prayed for granting the relief claimed in the OA. On the other hand Ms.Mohapatra submitted that

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the applicant was allowed to discharge the duty in the post of GDSBPM of Sahid Nagar BO in account with Arnapal Sub Post Office on temporary basis as a stop gap arrangement, and, therefore, the applicant cannot claim as a matter of right to be absorbed in the said post permanently. In so far as the instruction relied on by Mr.Mohanty is concerned, Ms.Mohapatra submitted that the Department reserves the right to consider for absorption of any of the existing EDAs in another post but that cannot give any absolute right to an existing EDAs to claim permanent absorption on the basis of his/her temporary posting as a stop gap arrangement. However, she has fairly stated that she does not have immediate instruction if any representations have been preferred by the applicant and if so that status thereof. However, Mr.Mohanty has submitted that he has not received any reply on such representations and according to his instruction the said representations are still pending with Respondent Nos.2&3. He has also submitted that no final decision has been taken in pursuance of the advertisement dated 28.11.2013 and the applicant is still continuing in the post of GDSBPM of Sahid Nagar BO in account with Arnapal Sub Post Office.

4. Since it is the positive case of the Applicant that no decision has been taken on her repeated representations and the same are still pending with Respondent Nos.2&3, at this stage, I am not inclined to admit this OA. However, for the ends of justice, without expressing any opinion on the merit of the matter, this OA is disposed of at this admission stage with direction to the Respondent N.2 to consider/dispose of the representation dated 25.7.2013 and 14.8.2013, if the same have been preferred by the applicant and are still pending and communicate the decision thereof in a

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well reasoned order to the Applicant within a period of two months from the date of receipt of copy of this order. It is also made clear that if in the meantime any decision has already been taken on the representations of the applicant but the result thereof has not been communicated to her, the same may be communicated to the applicant within a period of fifteen days from the date of receipt of copy of this order. Until the direction, as given above, is complied with, status quo in so far as continuance of the applicant and filling up of the post in pursuance of the advertisement, in question shall be maintained.

5. As prayed for by Mr.D.K.Mohanty, Learned Counsel for the Applicant, copy of this order be sent to Respondent Nos.2&3 by speed post, for compliance, at the cost of the applicant; for which Mr.Mohanty undertakes for furnish the postal requisite within two days hence.


(A.K.Patnaik)
Member (Judicial)