

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

OA No.892 of 2013

Cuttack, this the 8th day of January, 2014

CORAM

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

Shri Brajendu Nandan Jena, aged about 38 years, Son of Late Govinda Chandra Jena, Postal Assistant, Anandapur BO, Anandapur, Dist. Keonjhar (under suspension) at present residing at Dhanghar, Po. Adia, Ps. Agarpada, Dist. Bhadrak.

.....Applicant

(Legal Practitioner – Mr.D.K.Mohanty)

Versus

Union of India represented through-

1. The Secretary Cum Director General of Posts, Ministry of Communication, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi-110 001.
 2. The Chief Postmaster General, Odisha Circle, Bhubaneswar, Khurda.
 3. The Postmaster General, Sambalpur Region, Sambalpur.
 4. The Superintendent of Post Office, Keonjhar Division, Keonjhargarh-758001.
 5. Inspector of Posts, Anandapur Sub Divison, Anandapur, Keonjhar.

.....Respondents

(Legal practitioner: Mr.G.Singh)

ORDER

(Oral)

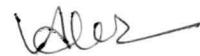
A.K.PATNAIK, MEMBER (JUDICIAL):

This OA has been filed by the Applicant praying therein that there being no review, after expiry of the stipulated period

provided under sub rule 6 & 7 of Rule 10 of the CCS (CC&A) Rules, 1965, the order of suspension dated 13.12.2011 be declared to be non-est in the eyes of law and accordingly direct the Respondents to allow the applicant to join his duty. Further case of the Applicant is that stating so he has submitted a representation on 10.02.2013 to Respondent N.4. As no action was taken by Respondent No.4 the applicant has approached this Tribunal in the instant OA, with the aforesaid relief.

2. Copy of this OA has been served on Mr.Giridhari Singh, Learned Additional CGSC who appeared and accepts notice for the Respondents. 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.D.K.Mohanty, Learned Counsel for the Applicant and Mr.Giridhari Singh, Learned Additional CGSC for the Respondents and perused the records. Mr.Singh has no immediate instruction if any such representation dated 10.02.2013 was preferred by the applicant to Respondent No.2 and if so the status thereof. Mr.Mohanty submitted that no disciplinary proceedings have been initiated till date against the applicant.

3. If no disciplinary proceedings have been initiated till date and no review of the order of suspension as provided under sub rule 6 & 7 of Rule 10 of the CCS (CC&A) Rules, 1965 we do not see any



justifiable reason to go on paying substantial amount by way of Subsistence Allowance from the exchequer, without extracting any work from him. We also do not appreciate ^{of} the action of the Respondent No.2 in sitting over the representation of the applicant dated 10.02.2013, if at all; the same was submitted by him. At the same time, we do not like to express any concrete opinion on this aspect, as according to the applicant, the representation submitted by him on 10.02.2013 is still pending with Respondent No.2 who is the competent authority to take a decision in the matter. Hence without fettering the discretion of the Respondent No.2 and without entering into the merit of this matter, this OA is disposed of, at this admission stage, with direction to the Respondent No.2 to take a decision on the representation dated 10.02.2013, if it is really submitted by the applicant and is still pending with him and communicate the result thereof, in a well reasoned order, to the applicant within a period of 45 days from the date of receipt of copy of this order. In case any decision has already been taken on the said representation of the applicant, the result shall be communicated to the applicant within a period of fifteen days from the date of receipt of copy of this order. There shall be no order as to costs.

4. As prayed for by Mr.Mohanty, Learned Counsel for the Applicant copy of this order be sent by speed post, at his cost, to the



Respondent No.4 for compliance; for which Mr.Mohanty undertakes to furnish the postal requisite within two days hence.

(R.C.Misra) 
Member (Admn.)


(A.K.Patnaik)
Member (Judicial)

