

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.935 of 2013

Cuttack this the 8th day of January, 2014

CORAM

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

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

Sri Manisankar Marandi @ Majhi
Aged about 25 years
S/o.late Ghasiram Majhi, Ex-GDSBPM,
Damahunda B.P.O.
At/PO-Damahuda, Via-Machhagarh
Dist-Keonjhar

...Applicant

By the Advocate(s)-Mr.S.Ghosh

-VERSUS-

Union of India represented through

1. Director of Posts
Government of India
At-Dak Bhawan, Sansad Marg
New Delhi-110 001
2. Chief Post Master General, Odisha Circle
At/PO-Bhubaneswar-751 001
Dist-Khurda
3. Superintendent of Post Offices,
Keonjhar Division
Keonjhargarh-758 001

...Respondents

By the Advocate(s)-Mr.P.R.J.Dash

ORDER

A.K.PATNAIK, MEMBER(J)

Heard Shri S.Ghosh, learned counsel for the applicant and Shri
P.R.J.Dash, learned Addl.Central Govt. Standing Counsel, on whom a copy
of this O.A. has been served, appearing for the Respondents and perused



the materials on record. Shri Dash accepts the notice of this O.A. Accordingly, Registry is directed to serve copy of notice on Shri Dash under Sub Rule 4 of Rule-11 of CAT (Procedure) Rules, 1987.

2. Grievance of the applicant is that father of the applicant while working as GDSBPM, Damahunda Branch Post Office expired on 22.1.2011. Consequently, the applicant as well as his mother made certain representations to the concerned authorities for extending the benefit of compassionate appointment in favour of the applicant. By drawing our attention to the representations preferred by the applicant as well as his mother (who is not a party in this O.A.) on 1.5.2012, Shri Ghosh submitted that though more than one and half years have elapsed in the meantime, nothing has been communicated so far from the concerned authorities in response to the representation so preferred by both the applicant as well as his mother. On the other hand, a notification dated 10.12.2013 has been issued by the Superintending of Post Offices, Keonjhar Division, i.e., Res.No.3 for filling up of the post of GDSBPM. Shri Ghosh further submitted that the BPO is still functioning in the residence of the applicant as his father was the GDSBPM of the said post office and therefore, without considering the representation notification dated 10.12.2013 per se is illegal and hence the same should be quashed.

3. Shri P.R.J.Dash, learned Addl. Central Govt. Standing Counsel has no immediate instructions if any such representation has been preferred by the applicant to Res.No.3 on 1.5.2013 and if so the status thereof. However, it is submitted that the notification was issued on 10.12.2013



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inviting applications from the eligible candidates, the last date being fixed to 8.1.2014 i.e., to-day and therefore, it is too premature for the applicant to approach this Tribunal because nobody has been selected as on date. Shri Ghosh did not controvert the submission made by Shri Dash, but vehemently submitted that before consideration of his representation in its proper perspective, this notification should not have been issued by the Department. We are in agreement with Shri Ghosh and therefore, taking into consideration the argument advanced by the learned counsel for both the sides, we direct Respondent No.3 that if any such representation has been preferred by the applicant on 1.5.2012 and is still pending to consider and dispose of the same through a reasoned and speaking order within a period of one month from the date of receipt of this order. Till the representation is disposed of and decision thereon communicated to the applicant, selection for the post of GDSBPM, Damhunda BO shall not be finalized.

4. With the above observation and direction, this O.A. is disposed of at the stage of admission itself. No costs.
5. Send a copy of this order to Res.No.3 by Speed Post at the cost of the applicant for which Shri Ghosh undertakes to file the postal requisites by 10.1.2014. Free copy of this order be made over to the learned counsel for both the sides.


(R.C.MISRA)
MEMBER(A)
BKS


(A.K.PATNAIK)
MEMBER(J)