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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.947 of 2013
Cuttack this the 21st^h day of January, 2014

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

Bijaya Kumar Muduli
Aged about 55 years
S/o.late Indramani Muduli,
At-Forada.
PO-Ostapur
Dist-Kendrapara
Working as EDSPM/GDSPM of Ostapur Sub Post Office
Account with Kendrapara Head Post Office

...Applicant

By the Advocate(s)-Mr.D.K.Mohanty

-VERSUS-

Union of India represented through

1. Director General of Posts
Ministry of Telecommunications
Department of Posts
At-Dak Bhawan,
Sansad Marg
New Delhi-110 001
2. Chief Post Master General, Odisha Circle
At/PO-Bhubaneswar-751 001
Dist-Khurda
3. Director of Postal Services
Office of the CPMG, Orissa Circle,
Bhubaneswar
4. Superintendent of Post Offices,
Cuttack North Division
Cuttack--753 001
5. Assistant Superintendent of Post Offices
Kendrapara Sub Division,
Kendrapara

...Respondents


By the Advocate(s)-Ms.S.Mohapatra

ORDERR.C.MISRA, MEMBER(A)

Heard Shri D.K.Mohanty, learned counsel for the applicant and Ms.S.Mohapatra, learned ACGSC for the Respondents. Ms.Mohapatra accepts the notice on behalf of the Respondents. Accordingly, Registry is directed to serve notice on Ms.Mohapatra under Sub Rule 4 of Rule-11 of CAT (Procedure) Rules, 1987 for onward transmission.

2. It is the case of the applicant that earlier he had approached this Tribunal in O.A.No.143/2009. The Tribunal, without expressing any opinion on the merit of the matter, disposed of the said O.A. at the stage of admission with direction to Respondent No.3 to take a decision on the pending representation of the applicant within a period of one month. In pursuance of this direction, the Superintendent of Post Offices, Cuttack North Division issued order dated 3.7.2009 that the applicant should be appointed as GDSSPM, Ostapur B.O. under Kendrapara H.O. subject to fulfillment of the terms and conditions for appointment to the post of GDSSPM. It is the submission of Shri Mohanty that in spite of the orders of the Superintendent of Post Offices, the formalities in respect of the applicant were not completed. Therefore, the applicant filed M.A.No.367/2009 praying for execution of the orders of the Tribunal and accordingly, direction was issued by the Tribunal that the applicant will submit necessary documents to ASPO, Kendrapara and on submission of documents, the Respondent no.4 will make necessary verification of



documents and forward the same to Res.No.3 who was directed to issue order of appointment within a stipulated time line.

3. The present grievance of the applicant is that in spite of this direction also the Respondents are yet to comply with the orders. Therefore, he has made a representation to the Superintendent of Post Offices, Cuttack North Division, (Res.No.4) in this O.A. praying that his case should be taken up sympathetically and appropriate orders to permanently absorb the applicant in the post of GDSSPM, Ostapur BO should be passed.

4. Ms.Mohapatra, learned ACGSC does not have instruction whether such a representation was made and if this representation is pending. However, considering the submission made by the learned counsel for the applicant, Res.No.4 is directed to dispose of the representation dated 6.12.2012 if it has been received and pending with him for consideration through a reasoned and speaking order, keeping in view of the order of the Superintendent of Post Offices dated 3.7.2009 and also the earlier orders of the Tribunal, within a period of thirty days from the date of receipt of copy of the order.

5. With the aforesaid direction, this O.A. is disposed of at the stage of admission itself. No costs.

6. Send copy of this order to Res.No.4 at the cost of the applicant, for which Shri Mohanty undertakes to file the postal requisites within next two days. Free copy of this order be made over to the learned counsel for both the sides.


(R.C.MISRA)
MEMBER(A)