

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 125 OF 2013
Cuttack, this the 14th day of March, 2013

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

Achyuta Kumar Nayak,
Aged about 32 years,
Son of Late Netrananda Nayak,
At/Po. Haldipada,
Dist. Balasore,
Working as GDSBPM (I/c),
Digida BO
In account with Haldipada SO
Under Balasore HO.

...Applicant

(Advocate(s) : M/s. G.Rath, S.Rath, B.K.Nayak-3, D.K.Mohanty)

VERSUS

Union of India Represented through

1. Director General of Posts,
Ministry of Communication,
Department of Posts,
Sansad Marg,
Dak Bhawan,
New Delhi-110 001.
2. Chief Postmaster General,
Orissa Circle,
Bhubaneswar.
3. The Superintendent of Post Offices,
Balasore Division,
Balasore-756 001.

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4. Asst. Superintendent of Post Offices,
Balasore Sub Division,
Balasore.

... Respondents

(Advocate: Mr. S.Barik)

O R D E R

A.K.PATNAIK, MEMBER(I):

The Applicant (Achyuta Kumar Nayak) who has been continuing as GDSBPM (I/c), Digida Branch Post Office in account with Haldipada Sub Post Office under Balasore Head Post Office has filed this Original Application U/s.19 of the Administrative Tribunals Act, 1985 inter alia seeking to quash the advertisement dated 18.7.2012 (Annexure-A/4) and to direct the Respondent No.3 to allow him to continue in the said on regular basis. By way of ad interim relief, he has sought direction to the Respondents to allow him to continue in the post in question pending final decision on this OA.

2. Mr.Rath's contention is that the applicant is otherwise eligible to hold the post of GDSBPM. While he was continuing as EDDA Cum EDMC (now GDSMD/MC in Hatiadiha in account with Rupsa SO, after the retirement of the

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regular incumbent he was posted as GDSBPM of Digida BO in account with Haldipada SO vide order dated 29.5.2010 and since then he has been managing the work of the GDSBPM without any demur. Thereafter by making representation he prayed for his regular posting in the said post. Since no action was taken by the Respondent No.3 on the said representation the applicant submitted representation to the Cabinet Minister of Communications on which the directorate of the Department of Posts sought comments from the Chief Postmaster General, Orissa Bhubanesar vide letter dated 4th September, 2012. While the matter stood thus, the Respondent No.3 issued advertisement for filling up of the post in question on regular basis. It has been submitted that none has joined the post till date. Hence being aggrieved by the said action of the Respondent No.3 he has filed the present OA seeking the aforesaid reliefs.

3. Mr.S.Barik, Learned Additional CGSC appearing for the Respondents submitted that he has no instruction and if time is allowed he would obtain instruction and apprise this Tribunal of the latest position of the matter.



4. Having heard ~~at~~ Mr.G.Rath, Learned Senior Counsel appearing for the Applicant assisted by Mr. D.K.Mohanty, Advocate and Mr.S.Barik, Learned Additional Standing Counsel appearing for the Respondents, ~~and~~ ^P perused the records.

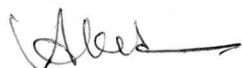
5. As it appears the matter is under correspondence and consideration of the Directorate of the Postal Department, New Delhi. At this stage, in view of the above, we see no reason to keep this matter pending awaiting the reply of the Respondents. Hence, as agreed to by Mr.Rath, Learned Senior Counsel appearing for the Applicant, without expressing any opinion on the merit of the matter this Original Application is disposed of at this admission stage with direction to the Respondent No.3 to maintain the status quo, as of date, in so far as continuance of the applicant in the post in question till a reply is received from the Directorate, New Delhi after receipt of the comments as sought in letter dated 4th September, 2012 by the Applicant which we hope and trust would be communicated within a period of sixty days hence. There shall be no order as to costs.

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6. Copy of this order along with paper book be transmitted to Respondent Nos.1, 2 and 3 at the cost of the Applicant; for which Mr. D.K.Mohanty, Learned Counsel for the Applicant undertakes to furnish the postal requisite by tomorrow.


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


(A.K.Patnaik)
Member (Judl.)