

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

Original Application No. 260/000025/2014
Cuttack, this the 24th day of January, 2014

CORAM

HON'BLE MR. A.K. PATNAIK, MEMBER (Judl.)
HON'BLE MR. R.C. MISRA, MEMBER (Admn.)

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Falguni Suna,
aged about 25 years,
Son of Late Radha Mohan Suna,
Vill- Badi, PS/Tahasil- Kahriar,
Dist- Nuapada.

.....Applicant

Advocate(s)... M/s. P.K.Nayak, A.K.Mohapatra, S.K.Mishra, P.K.Behera.

VERSUS

Union of India represented through

1. Secretary,
Ministry of Communication,
Department of Posts India,
At-New Delhi.
2. Superintendent of Post Office,
Kalahandi Division,
At-Bhawanipatna,
Dist- Kalahandi- 766001.
3. Inspector of Posts,
Nuapada Sub Division,
At/Dist- Nuapada

..... Respondents

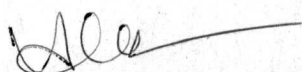
Advocate(s)..... Mr. U.B.Mohapatra

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ORDER (ORAL)

MR. A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. S.K.Mishra, Ld. Counsel for the applicant, who submitted that copy of the O.A. has been served on Mr. U.B.Mohapatra, Ld. Sr. Central Govt. Standing Counsel. Registry is directed to serve notice on Mr. U.B.Mohapatra, Ld Sr. Central Govt. Standing Counsel, in terms of Sub



Rule 4 of Rule 11 of the CAT (Procedure) Rules, 1987 for onward transmission.

2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 challenging the action of the Respondents in not giving him compassionate appointment after the death of his father, who was serving as EDBPM at Badi Sub Post Office. Mr. Mishra, Ld. Counsel for the applicant, submitted that while the father of the applicant was continuing as such, he expired on 24.08.2010 and the applicant, thereafter, has preferred a representation for consideration of his case for appointment under compassionate ground enclosing all the relevant documents.


3. Mr. Mishra by drawing our attention to the notification dated 27.12.2013 issued by the Superintendent of Post Offices, Kalahandi Division, Bhawanipatna, i.e. Respondent No.2, submitted that notwithstanding the consideration of the representation, the Respondents are going to fill up the post of EDBPM of Badi, S.P.O., for which the applicant's claim is still pending. So also, by drawing our attention to the representation preferred by the applicant under Annexure-10 (which is not dated), Mr. Mishra submitted that the applicant has preferred a representation to the Respondent No.2, which is probably made on 10.01.2014, but till date no communication has been received by the applicant from the Respondents. Though, it is quite a premature matter and no breathing time has been provided to the Respondent No.2 to consider such representation, but taking into account the notification made on 27.12.2013 in which the last date for submission of application has been



specified as 27.01.2014, Mr. Mishra submitted that the applicant has no further alternative but to approach this Tribunal.

4. Taking into account such argument advanced by Mr. Mishra, Ld. Counsel for the applicant, we dispose of this O.A. at the stage of admission itself directing Respondent No.2 to consider the representation of the applicant, if any such representation has been preferred by the applicant and the same is still pending for consideration, and the result be communicated to the applicant by way of a reasoned and speaking order taking into account the rules and regulations in force within a period of eight weeks from the date of receipt of this order and till the consideration is made and communicated to the applicant, no further action in pursuance of the notification dated 27.12.2013 will be taken. However, we make it clear that if, in the meantime, the said representation has already been considered then the result thereof may be communicated to the applicant within a period of two weeks from the date of receipt of a copy of this order and, in such case, there will be no impediment for the Respondents to proceed with the notification dated 23.12.2013. No costs.

5. Copy of this order be handed over to the Ld. Counsel appearing for both the sides.


MEMBER (Admn.)


MEMBER(Judl.)

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