

25
CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK
O.A.No.260/00307 of 2014
Cuttack this the 7th day of July, 2015

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

Susanta Kumar Jena
Aged about 41 years
S/o. Gourmohan Jena
Vill/PO-Remuna
PS-Baliapal
Dist-Balasore

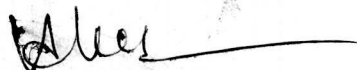
...Applicant

By the Advocate(s)-M/s.S.Mohanty
S.S.Mohapatra
P.K.Das
A.P.Rath

-VERSUS-

Union of India represented through

1. The Director General of Posts
Ministry of Communications
Department of Posts
Dak Bhawan
Sansad Marg
New Delhi-1
2. Chief Post Master General
Orissa Circle
Bhubaneswar
Dist-Khurda-751 001
3. Superintendent of Post Offices
Balasore Division
Balasore-756 001
4. Achyuta Kumar Nayak
Aged about 33 years
S/o.late Netrananda Nayak



26
2-
Vill/PO-Ahladipada
Dist-Balasore
At present working as GDSBPM(I/c.) Digida BO
In account with Haldipada SO under
Balasore HO

...Respondents

By the Advocate(s)-M/s.C.M.Singh
D.K.Mohanty

ORDER(Oral)

A.K.PATNAIK, MEMBER(I):

Grievance of the applicant in the instant O.A. is that although he has been provisionally selected for the post of GDSBPM, Digida BO in account with Haldipada SO under Balasore H.O. through a regular process of selection as would be evident from A/2 dated 4.3.2013, but he is not being issued with the offer of appointment by the official Respondents. In the above background, he has prayed for direction to be issued to official respondents to give him the offer of appointment to the post in question.

2. On being noticed, official respondents have filed their counter. Private Respondent No.4 (Achyuta Kumar Nayak) though entered appearance has not filed any counter.

3. Heard Mr.S.S.Mohapatra, learned counsel for the applicant, Mr.C.M.Singh, learned ACGSC for Respondent Nos. 1 to 3 and Mr.D.K.Mohanty, learned counsel for Private Respondent No.4.

4. Mr.Mohapatra, during the course of arguments, brought to our notice that Achyuta Kumar Nayak, Private Respondent No.4, who was continuing as GDSBPM, Digida BO had earlier moved this Tribunal in O.A.No.125 of

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- 2013 questioning the legality of advertisement dated 18.7.2012 for filling up the post of GDSBPM, Digida Branch Post Office. The said O.A. was disposed of by this Tribunal vide order dated 14.03.2013 at the stage of admission itself in the following terms.

"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."

5. On being confronted, Mr.Singh submitted that in the meantime, order dated 14.3.2013 passed by this Tribunal in O.A.No.125 of 2013 has already been complied with and the authorities have disposed of the representation preferred by Res.No.4 in this O.A., keeping in view the well settled position of law. According to Mr.Singh, at present, the departmental respondents are willing to issue offer of appointment to the post in

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- ◆ question in favour of the applicant, but due to pendency of this O.A., they are not in a position to do so.

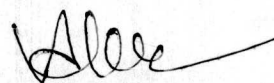
6. Having considered the submissions made by the learned counsel for the parties, official respondents are at liberty to consider the case of the applicant and issue appropriate orders as per rules within a period of ninety days from the date of receipt of this order.

7. With the aforesaid observation and direction, this O.A. is disposed of.

No costs.


(R.C.MISRA)
MEMBER(A)

BKS


(A.K.PATNAIK)
MEMBER(J)