

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O.A.No. 260/000048/2014

Cuttack, this the 7th day of February, 2014

CORAM

THE HON'BLE MR.A.K.PATNAIK, MEMBER (JUDL.)

THE HON'BLE MR. R.C. MISRA, MEMBER (ADMN.)

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Umakanta Swain, aged about 45 years, S/o. Rama Chandra Swain of Village Nagpur, P.O.-Balikuda, Dist. Jagatsinghpur, presently working as GDS MC, Galadari B.O., Via-Debidol, Dist-Jagatsinghpur.

....Applicant

(Legal Practitioner:-M/s. D.P.Dhalsamant, N.M.Rout)

Versus

UNION OF INDIA REPRESENTED THROUGH-

1. The Director General of Posts, Govt. of India, Ministry of Communication, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi-110 001.
2. Chief Post Master General, Odisha Circle, At/Po.Bhubaneswar, Dist. Khurda-751 001.
3. Superintendent of Post Offices, Cuttack North Division, At/PO/Dist-Cuttack-753 001.
4. Asst. Superintendent of Post Offices, Jagatsinghpur Sub-Division, At/PO/Dist- Jagatsinghpur, 754103.

.....Respondents

(Legal practitioner: Mr. P.R.J.Dash)

O R D E R

(ORAL)

A.K.PATNAIK, MEMBER (JUDICIAL):

Copy of this OA has been served on Mr. P.R.J.Dash, Learned additional CGSC for the Union of India who accepts notice for the Respondents in this OA. Registry is directed to serve notice, in terms of sub rule 4 of Rule 11 of the CAT (Procedure) Rules, 1987 for onward transmission. Heard Mr. D.P.Dhalsamant, Learned Counsel for the Applicant and Mr. P.R.J.Dash, Learned Additional CGSC appearing for the Respondents and perused the records.

2. The case of the applicant, in brief, is that he is a regular appointee of the post of GDS MC of Goladhari, BO in account with Debidol S.O. When the post of GDSBPM of Kalio BO was going to be vacant due to

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the superannuation of the permanent incumbent in the month of April 2013, the applicant submitted representation before Respondent No.3 on 16.01.2013 to be appointed in that post. Again, he made another representation on 13.06.2013 to Respondent No.2 with copy to Respondent Nos. 3 and 4. But according to the Applicant, without taking/communicating any decision on the said representation, Respondent No.3 issued notification inviting application from general public for regular appointment to the said post of GDSBPM, Kalio in account with Balikuda SO on 30.12.2013 fixing last date of receipt of application to 29.1.2014. By filing this O.A., the applicant has prayed for quashing of the notification dated 30.12.2013 under Annexure-A/4 and further direction to the Respondents to allow the applicant to be posted/appointed as GDS BPM Kalio B.O.

However, Mr. Dash has fairly submitted that he has no immediate instruction whether any such representation was preferred by the applicant and if so the status thereof.

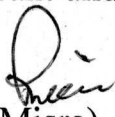
3. Be that as it may, without expressing any opinion on the merit of the matter, since it is the positive case of the Applicant that no reply has been received from the Respondent Nos. 2 and 3 on his representations till date, this OA is disposed of with direction to Respondent No.2 to consider the representation stated to have been made on 13.06.2013, if it is received and is still pending, and communicate the decision thereon in a well reasoned order to the applicant on or before 3rd March, 2014. In view of the above, Respondent No.3 is directed not to proceed with the selection in pursuance of the notification dated 31.12.2013 till 10th March, 2014. It is made clear that if the representation has already been disposed of in the

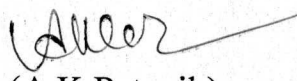
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meantime then the result thereof be communicated to the applicant within a period of two weeks from the date of receipt of a copy of this order.

4. In the result, with the aforesaid observation and direction this OA stands disposed of at this admission stage. There shall be no order as to costs.

5. As prayed for copy of this order be sent to Respondent Nos.2 & 3 by speed post at the cost of the applicant for which Learned Counsel for the applicant undertakes to furnish the postal requisite by 11.02.2014.


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


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