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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00662 OF 2014
Cuttack, this the 8th day of September, 2014

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

.....

Radhakanta Pradhan,
aged about 58 years,
Son of Late Narayan Prasad Pradhan,
At/Po.- Nonirai, Via- indupur, Dist- Kendrapara,
At present working as Asst. Superintendent of Post Offices,
Sundargarh (H.O.) in the office of the S.S.P., Sundargarh.

...Applicant

(Advocates: M/s. N. Nayak, A. Sahoo)

VERSUS

Union of India Represented through

1. Secretary to Government,
Post and Telegraph Department,
Central Secretariat, New Delhi.
2. Chief Post Master General,
Bhubaneswar Circle,
At/PO- Bhubaneswar, Dist- Khurda.
3. S.C.Mohanty,
Superintendent of Post Offices,
Cuttack North Division,
Cuttack.

... Respondents

(Advocate: Mr. B.K.Mohapatra)

.....

O R D E R (ORAL)

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

Heard Mr. N.Nayak, Learned Counsel for the Applicant, and Mr. B.K.Mohapatra, Ld. Addl. CGSC appearing for the Respondents, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

[Signature]

2. By filing this O.A. under Section 19 of the Administrative Tribunals Act, 1985 the applicant has prayed to quash the letters dtd. 13.12.2013 and 30.01.2014 under Annexures- 1 and 2 respectively issued by Respondent No.3 in view of the letter dated 21.02.2014 issued by the CPMG, Odisha Circle and further to direct Respondent No.3 to regularize his leave period from 18.12.2013 to 07.01.2014 with all consequential service benefits. It is the case of the applicant that vide order dated 13.12.2013, under Annexure-1, he was asked by the Superintendent of Post Offices, i.e. Respondent No.3, to proceed on leave by handing over the charge to Shri Bhagyadhar Das, ASPOs (HQ), Cuttack North Division, until further orders. While the matter stood thus, the actual period of leave i.e. 18.12.2013 to 07.01.2014 was sanctioned by the S.P.O., Cuttack North Division as Earned Leave vide letter dated 30.01.2014, Annexure-2. In response to his representation dated 17.02.2014 for regularization of his leave period without deducting the leave from his leave account, he has been communicated with Annexure-4 by the O/o CPMG, Odisha Circle, which reads as under:

“It is revealed from the representation of the officer that he proceeded on leave as per instruction contained in your letter No. SP/Con, dated 13.12.13. No such instruction was issued from this section to ask Sh. Pradhan to proceed on leave. Since you are the leave sanctioning authority for the officer, you may decide the case as per rule.....”

Mr. Nayak, Ld. Counsel for the applicant, submitted that since no response has been received by the applicant after Annexure-4 dated 21.02.2014, ventilating his grievance the applicant again represented to



Respondent No. 2 vide Annexure- 5 dated 22.04.2014 but till date no reply has also been received by him.

3. Mr. B.K.Mohapatra, Ld. ACGSC, has no immediate instruction whether any such representation has been filed by the applicant on 22.04.2014 and the status thereof.

4. Be that as it may, since it is the positive case of the applicant that no decision has been communicated to him by Respondent No. 2 on the representation submitted vide Annexure- 5, without entering into the merit of this matter, this O.A. is disposed of at this admission stage with direction to Respondent No. 2 to consider the grievance of the applicant as referred to by him in his representation, if the same is still pending with him, and communicate the decision thereof, in a well-reasoned order to the applicant within a period of 60 (sixty) days from the date of receipt of a copy of this order. No costs.

5. As agreed to by Ld. Counsel for both the sides, copy of this order, along with the paper book, be transmitted to Respondent No.2 by Speed Post at the cost of the applicant, for which Mr. Nayak, Ld. Counsel for the applicant, undertakes to furnish the postal requisites by 10.09.2014.


(R.C.MISRA)
MEMBER(Admn.)


(A.K.PATNAIK)
MEMBER(Judl.)