

3

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK
O. A. NO. 260/00869 OF 2014
Cuttack this the 4th day of December, 2014

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

Chamru Bariha,
aged about 50 years,
S/o. Late Dhanu Bariha,
At/Po-Chantipali, Via-Melchhamunda,
Dist-Baragarh,
presently working as GDSMD/BPM,
Chantipali BO, Via-Melchhamunda, Dist-Bargarh

...Applicant

(Advocates: Mr. D.P. Dhalsamant, N.M. Rout)

VERSUS

Union of India Represented through

1. Director General of Post, Govt. of India,
Ministry of Communication,
Department of Posts,
Dak Bhawan, Sansad Marg,
New Delhi-110001
2. Chief Post Master General,
Odisha Circle, Bhubaneswar,
Dist-Khurda-751001
3. Superintendent of Post Offices,
Sambalpur Division,
At/PO/Dist-Sambalpur-768001
4. Inspector of Post,
Rajborasambar Sub-Division,
At/Po-Rajborasambar,
Dist-argarh-768036

... Respondents

(Advocate: Mr. P.R.J. Dash)



O R D E R (ORAL)

A.K.PATNAIK, MEMBER (J):

Heard Mr. D.P. Dhalsamant, Learned Counsel for the Applicant, and Mr. P.R.J. Dash, Ld. ACGSC appearing for the Respondent, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 in which the applicant has prayed for the following reliefs:

“...The notification dated 28.10.2014 under Annexure-A/7 be quashed.

The Respondents be directed to allow the applicant to be posted/appointed as GDS/MD cum BPM at Chantipali B.O.”

Mr. Dhalsamant, Ld. Counsel appearing for the applicant, submitted that the applicant joined as EDDA Chintapali B.O. w.e.f. 13.02.1990 on being selected through a regular selection process. The applicant has been working as GDS BPM in addition to his work from 29.12.2005 to till date with a break from 22.08.2012 to 08.12.2012 as per the direction of the Respondent No.4 and now working as GDS BPM from 08.12.2012 with new RPCI, RD, SB NRGS till date. In the meantime, the applicant represented to the then Superintendent to absorb him permanently in the post of BPM. In response to the said representation, the Superintendent wrote a letter to the applicant to submit the attested Xerox copy of matriculation certificate through Postal Inspector(Respondent No.4). Accordingly the applicant submitted the same through the Inspector (Respondent No.4). In the meantime, a notification dated 28.10.2014 (Annexure-A/7) has been issued by the Superintendent of Post Offices, Sambalpur Division (Respondent- No.3) for appointment to the said post instead of allowing the applicant to be appointed to the post of GDSMD/BPM permanently. Hence, he made a representation dated 05.11.2014 (Annexure-A/8) to Respondent No.3 for permanent appointment as



GDS MD/BPM, but till date no reply has been received by the applicant and hence, he has approached this Tribunal in the present O.A. with the aforesaid reliefs.

3. Mr. P.R.J. Dash, Ld. ACGSC for the Respondents, submits that he has no immediate instruction if any such representation has been filed by the applicant and, if so, the status thereof.

4. In view of the aforesaid facts and the positive case of the applicant that his representation dated 05.11.2014 is still pending with the Respondent No.3, at this stage, without entering into the merit of this case, we dispose of this O.A. by directing Respondent No.3 to consider the said representation, if the same is still pending with him, and communicate the result thereof to the applicant by way of a reasoned and speaking order within a period of 60 days from the date of receipt of a copy of this order. However, we direct the Respondents that the status quo as of date so far as continuance of the applicant is concerned will be maintained till final disposal of the representation. However, if in the meantime, the said representation has already been disposed of then the result thereof be communicated to the applicant within a period of 15 days from the date of receipt of copy of this order.

5. On the prayer made by Mr. Dhalsamant, Ld. Counsel for the applicant, copy of this order, along with paper books, be sent to Respondent No. 3 by Speed Post at the cost of the applicant for which he undertakes to file the postal requisites by 09.12.2014.

(R.C.MISRA)
MEMBER(A)


(A.K.PATNAIK)
MEMBER(J)