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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 260/00989 OF 2014
Cuttack this the 8th day of January, 2014

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

Pradip Kumar Mohapatra,
aged about 54 years,
S/o. Late Bishnu Prasad Mohapatra,
Permanent resident of Vill/Po-Amagadia,
Via/PS-Baisinga, Dist-Mayurbhanj,
At present working as GDSMD Ambagadia BO
under Mayurbhanj Division

...Applicant

(Advocates: Mr. T. Rath)

VERSUS

Union of India Represented through

1. Secretary-Cum-Director General (Posts),
Dak Bhawan,
New Delhi-110001
2. Chief Post Master General,
Odisha Circle,
At/Po-Bhubaneswar GPO-751001
3. Superintendent of Post Offices,
Mayurbhanj Division,
At/PO/PS-Baripada-757001

... Respondents

(Advocate: Mr. S.B. Jena)

ORDER (ORAL)

A.K.PATNAIK, MEMBER (J):

Heard Mr. T. Rath, Learned Counsel for the Applicant and Mr. S.B. Jena, 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.

[Signature]

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:

“(a) To quash the orders contained in Annexure-A/5

(b) The respondents may be directed to restore the TRCA of the applicant in the TRCA slab of Rs.4220-75-6470/- and refund the amount already recovered.

Mr. Rath, Learned Counsel for the Applicant submitted that the Departmental Respondents have already started recovery the amount of TRCA every month. By drawing our attention to the representation submitted to Respondent No.2 Mr. Rath submitted that though the said representation was preferred by the applicant on 25.08.2014, till date no response has been received from the Respondents. Mr. Rath submitted that a direction be issued to Respondent No.2 to consider the said representation within a specified time frame and till then there shall be no recovery.

3. Mr. S.B. Jena, Ld. Addl. CGSC appearing for the Respondents, has no immediate instruction, if any such representation has been preferred by the applicant and the status thereof.

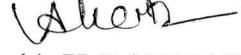
4. Since it is the positive case of the applicant that the representation preferred by him is still pending, without entering into the merit of the matter, we dispose of this O.A. at the stage of admission itself by directing Respondent No.2 to consider the representation dated 25.08.2014 (Annexure-A/8) (if the same has been received and is still pending) and dispose of the same and communicate the result thereof in a well reasoned order to the applicant within a period of 60 days from the date of receipt of copy of this order. However, we make it clear that if in the meantime said representation has already been disposed of then the result thereof be communicated to the applicant within a period of two weeks from the

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date of receipt of copy of this order. There shall be no further recovery from TRCA of the applicant till 30.04.2015. No costs.

5. Copy of this order along with paper books be transmitted to Respondent No. 2 by Speed Post at the cost of the applicant, for which Mr. Rath, Ld. Counsel for the applicant, undertakes to file the postal requisites by 09.01.2015.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER(J)

K.B.