

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A No.551 of 2012
Cuttack this the 31st day of August, 2018

CORAM

HON'BLE DR. MRUTYUNJAY SARANGI, MEMBER (ADMN.)

HON'BLE MR.R.N.SINGH, MEMBER (JUDICIAL)

HON'BLE MR. B.V.SUDHAKAR, MEMBER (ADMN.)

Bishnu Mohan Dasmohapatra, aged about 52 years, S/o. Manamohan Das Mohapatra, now posted as Asst. Superintendent of Post Offices(Headquarters), O/o. Superintendent of Post offices, Keonjhar Division, Keonjhar – Present Address - At/PO- Panichhatra, Via-Kupari, Dist-Balasore

...Applicant

By the Advocate(s)-M/s.N.R.Routray

S.Mishra

T.K.Choudhury

S.K.Mohanty

-VERSUS-

Union of India represented through:

1. The Secretary, Ministry of Communications and I.T., Department of Post, Dak Bhawan, Sansad Marg, New Delhi-110 001
2. Member Finance, Telecom Commission, Ministry of Communications and T.D., Steering Group, Sanchar Bhawan, 20 Ashoka Road, New Delhi
3. Chief Post Master General, Orissa Circle, At/PO-Bhubaneswar, PIN-751 001, Dist-Khurda
4. Deputy Director of Accounts (Postal), Mahanadi Vihar, Cuttack-753 005
5. Deputy Director General (PAF), Department of Posts, Postal Accounts Wing, Dak Bhawan, new Delhi-110 001

...Respondents

By the Advocate(s)-Mr.G.R.Verma

ORDER
R.N.SINGH, MEMBER (JUDICIAL).

The prayer of the applicant in the OA is as under:

- i) To declare the order dated 01.01.2002 under Annexure-A/5 as *non est*;
- ii) And to quash the order of rejection dated 05.07.2012 under Annexure-A/16;
- iii) And to direct the Respondents to promote the applicant to the post of JAO (now AAO) by extending benefit of order dated 06.08.2004 passed in O.A.No.128/2002 and O.A.No.838/2005.

2. By filing counter, the Respondents contested the case of the Applicant.

3. After hearing the Division Bench of this Tribunal vide order dated 03.03.2017 referred the matter to Full Bench for clarification/answer. The doubt which was referred to the Full Bench to answer is as under:

“Whether the decision of CAT, Cuttack Bench in O.A.No.128/2002 or for that matter the decision of CAT, Madras Bench in O.A.Nos.525 & 263 of 2010 lays down the correct position of law to stand as a precedent to be followed in the instant O.A.”

4. Accordingly, as per the order of the Hon'ble Chairman Full Bench is constituted to hear and decide the matter.

5. Respondents have filed written notes of arguments which has been taken into record.

6. The matter was listed on 27.8.2018 for hearing but on the request of the learned counsel for the Applicant the matter was posted today/29.8.2018.

7. Today, Mr. N.R.Routray, Learned Counsel for the Applicant filed a Memo, after informing the Respondents' Counsel who also did not file any objection, stating therein as under:

“That the applicant is going to retire from service in the year 2019 as such he is not interested to prosecute this matter further. Hence this Hon’ble Tribunal may pass appropriate order”.

8. As the applicant does not want to pursue the OA for the reasons stated above, instead of going to the nitty-gritty of the matter the OA is dismissed as not being pressed. Point of doubt/issue involved in the OA will remain open. No order as to costs.

(B.V.Sudhakar)
Member (A)

(R.N.Singh)
Member (J)

(Dr.M.Sarangi)
Member (A)

Amit/PS

