

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK,**

ORDER SHEET

COURT NO. : 1

03/12/2018

O.A./260/504/2018
FOR INTERIM PRAYER

B PRADHAN
-V/S-
D/O POST

ITEM NO:8

FOR APPLICANTS(S) Adv. : Mr. D.K. Mohanty

FOR RESPONDENTS(S) Adv.: Mr. C.M. Singh

Notes of The Registry	Order of The Tribunal
	<p>Heard Ld. Counsel for both sides.</p> <p>Ld. Counsel for the applicant submitted that this is a second round of litigation. In the first round this Tribunal vide order dated 07.03.2018 passed in O.A. No.98/2018 had directed Respondents to dispose of the representation of the applicant dated 09.01.2017 (Annexure-A/4) by taking into account the circular dated 16.07.2012 (Annexure-A/2) of the earlier O.A. The grievance of the applicant is that in the impugned order of rejection dated 16.07.2018, the circular dated 16.07.2012 has not been taken into account although it has been mentioned in a routine manner in the impugned order.</p> <p>Ld. Counsel for the Respondents submitted that the applicant is not entitled for the revised TRCA. In pursuance to this the Ld. Counsel for the applicant pointed out that the TRCA has been specifically mentioned in advertisement at the time of recruitment. This fact has been mentioned in the impugned order dated 16.07.2018</p>

(Annexure-A/6).

In view of the submission that the circular dated 16.07.2012 has been mentioned in the impugned order, but the contents of the circular vis-a-vis the representation dated 09.01.2017 of the applicant has not been discussed and the reason for which the provision of the circular dated 16.07.2012 is not applicable to the applicant's case has not been discussed.

In view of this facts and submissions made by the Ld. Counsels the O.A. is disposed of at this stage with a direction to Respondent No.4 to pass a fresh order after taking into account the circular dated 16.07.2012 and the order passed by the Tribunal as well as the representation dated 09.01.2017. The fresh order shall be passed within a period of two months of the receipt of this order by way of a reasoned and speaking order.

The O.A. is disposed of accordingly. It is made clear that we have not expressed any opinion on the merit of this case while passing this order. No costs.

Copy of this order along with copy of the paper books be sent to Respondent No.4 by speed post at the cost of the applicant for which Mr. D.K. Mohanty, Ld. Counsel for the applicant undertakes to file the postal requisites by 05.12.2018.

Free copy of this order be made over to Ld.

Counsel for both sides.

(SWARUP KUMAR MISHRA)
MEMBER (J)

(GOKUL CHANDRA PATI)
MEMBER (A)

kb