

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.260/00715/2014

Cuttack this the 1st day of July, 2019

CORAM:

HON'BLE MR.GOKUL CHANDRA PATI, MEMBER(A)
HON'BLE MR.SWARUP KUMAR MISHRA, MEMBER(J)

Harekrushna Jena, aged about 42 years, S/o. Kailash Ch.Jena, permanent resident of At/PO-Aghirapada, Via/PS-Oupada, Dist-Balasore-756 049.

...Applicant

By the Advocate(s)-Mr.T.Rath

-VERSUS-

Union of India represented through:

1. The Secretary-cum-Director General (Posts), Dak Bhawan, New Delhi-110 001.
2. Chief Post Master General, Odisha Circle, At/PO-Bhubaneswar GPO-751 001.
3. Supdt. of Post Offices, Balasore Division, At/PO/Balasore.

...Respondents

By the Advocate(s)-Mr.P.K.Mohanty

ORDER(Oral)

PER MR. GOKUL CHANDRA PATI, MEMBER(A):

This O.A. has been filed by the applicant seeking for the following reliefs:

- i) Quash the advertisement dated 10.7.14 under Annexure-A/5.
- ii) Direct the Respondents to consider appointment/confirmation of the applicant in the post of GDSBPM, Agirapada Branch Post Office before going with the selection process under Annexure-A/5.
- iii) And pass any order/orders as deemed fit and proper for giving complete justice to the applicant.

2. The applicant is working as Gramin Dak Sevak Mail Career (in short GDSMC), Aghirapada Branch Post Office after being duly selected through due

process of selection. He had also officiated earlier as Gramin Dak Sevak Branch Post Master (in short GDSBPM) Badapokhari Branch Office for about three months in 2014. He has submitted a representation dated 23.3.2014 for his appointment/absorption/engagement as GDSBPM, Aghirapada BO after retirement of the earlier incumbent on 3.4.2014. Vide order dated 15.5.2014 (A/3), he was asked by the Respondents to work as GDSBPM, Aghirapada in addition to his own duty as GDSMC and accordingly, the applicant joined his duty on 20.5.2014.

3. In the meantime, the Respondents issued a Notification dated 10.7.2014 (A/5) calling for applications from the intending candidates for selection to the post of GDSBPM, Aghirapada B.O. In the above backdrop, the applicant submitted a representation dated 4.8.2014 (A/6) to the Superintendent of Post Offices, Balasore Division (Res.No.3) requesting for his absorption/appointment as BPM, Aghirapada BO and thereafter, he approached this Tribunal in this O.A. challenging the notification at A/5. It is stated that the said representation is pending as on date.

4. Respondents have filed their counter opposing the prayer of the applicant. It is stated that the applicant was working as GDSBPM purely on temporary arrangement as the order indicates and that in response to the notification dated 10.7.2014, the applicant has also applied for the post as a candidate along with other outsider candidates. It is further stated that the applicant's representation dated 23.3.2014 was duly considered and was rejected vide letter dated 22.9.2014 (Annexure-R/2 to the counter). It is, therefore, stated that the applicant is not entitled for the post of GDSBPM, Aghirapada BO. The respondents in their counter have submitted that the applicant in his representation had not mentioned for his transfer from the

post of GDSMC, Aghirapada BO to the post of GDSBPM under the guidelines for limited transfer facility for the GDSs.

5. We have considered the rival submissions. In consideration of submissions made by both the sides, we dispose of this O.A. with a direction to the Superintendent of Post Offices, Balasore Division (Respondent No.3)/competent authority to consider the representation dated 23.3.2014 (A/2) of the applicant, treating it as his representation for transfer from the post of GDSMC to GDSBPM, Aghirapada Branch Office under the limited transfer facility in accordance with the guidelines of the Director General of Posts for limited transfer facility for the GDS and dispose of the same by passing an appropriate speaking orders to be communicated to the applicant within a period of two months from the date of receipt of this order. Till the decision is taken on the representation of the applicant, the respondents shall maintain the present status quo as of today in respect of the post of GDSBPM, Aghirapada Branch Office. There is no order as to costs.

(SWARUP KUMAR MISHRA)
MEMBER(J)

(GOKUL CHANDRA PATI)
MEMBER(A)

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