

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

ORDER SHEET

COURT NO. : 1

30/09/2019

O.A./260/527/2019

H K DAS

M.A./260/775/2019

-V/S-

M.A./260/800/2019

D/O POST

ITEM NO: 37

FOR APPLICANTS(S) Adv. : Mr.N.R.Routray

FOR RESPONDENTS(S) Adv.: Mr.M.R.Mohanty

Notes of The Registry	Order of The Tribunal
	<p>Heard both the learned counsels.</p> <p>The applicant has filed MA 775/2019 and informed that vide order dated 18.9.2019 the respondent No.2 has disposed of the representation stating that he is not the competent authority to consider the same. chairman of the Representation Committee, member (Personnel), Postal Services is the competent authority but he is not a party to this OA.</p> <p>Learned counsel for the applicant has further submitted that MA 800/2019 has been filed challenging the said order in this OA. he submitted that compulsory retirement under FR 56(1) J which is impugned in this OA will take effect from 1.10.2019. He also prayed for an interim order that till consideration of the case, Annexure A/1 which is the impugned order in this OA should not be implemented.</p> <p>We are not inclined to pass any such order since it will amount to granting the relief prayed for in the</p>

OA before consideration of the representation by the competent authority.

In view of the above taking into consideration the fact that there is a provision for submission of representation, the OA is disposed of at this stage with liberty to the applicant to move respondent No.1/competent authority [Member (Personnel), Postal Services Board] with a copy of this order taking the grounds taken in the OA as well as any other additional grounds as deemed appropriate, within 10 days from the date of receipt of the copy of this order. In the event such representation is filed by the applicant, respondent No.1/competent authority is directed to consider the same in accordance with the extant rules and pass a reasoned and speaking order and communicate the same to the applicant within a period of two months from the date of receipt of the said representation. It is made clear that we have not expressed any opinion on the merit of the case.

OA is disposed of accordingly. There will be no order as to costs.

MA Nos. 775/2019 and 800/2019 are disposed of accordingly.

(SWARUP KUMAR MISHRA)
MEMBER (J)

(GOKUL CHANDRA PATI)
MEMBER (A)

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