

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

ORDER SHEET

COURT NO. : 1
20/02/2020
O.A./260/88/2020

AVANINDRA RAY
-V/S-
M/O RAILWAYS

ITEM NO:26
FOR APPLICANTS(S) Adv. : Mr.B.Dash
FOR RESPONDENTS(S) Adv.: Mr.T.Rath

| Notes of The Registry | Order of The Tribunal |
|-----------------------|--|
| | <p>Heard learned counsel for the applicant. Mr.T.Rath, learned counsel entered appearance for the respondents and was heard. Registry to reflect his name as respondents' counsel in the future cause list.</p> <p>It is submitted by applicant's counsel that another OA No. 73/2020 was filed by the applicant being aggrieved by his transfer to Core Rural Electrification Allahabad (in short RE) for electrification work to be undertaken within East Coast Railway jurisdiction vide the impugned order dated 13.2.2020 (Annexure A/7). By order dated 18.2.2020 of this Tribunal, the OA No. 73/2020 was disposed of with direction to Respondent No.1 to consider his representation dated 27.1.2020 and till a decision is taken on the representation of the applicant by respondent No.1, the applicant will not be relieved from the present post provided no reliever was posted in his place. It is submitted by the learned counsel for the applicant that on the same date i.e. 18.2.2020, an order (Annexure A/9) is passed posting respondent No.4 on promotion in place of the applicant.</p> <p>Learned counsel for the respondents submitted that the representation is under consideration before respondent No.1 and that the promotion as per Annexure A/9 was under consideration of the authorities for a long time and it has no link with the OA No.</p> |

73/2020 filed by the applicant.

In view of the above submissions, we are of the view that there is no cause of action for any intervention at this stage till disposal of the representation of the applicant by the respondent No.1, since promotion order at Annexure A/9 is being challenged on the grounds mentioned in para 4.13 and 4.14 of the OA which are related to the possibility of the applicant being relieved as per his terms for the RE vide order dated 13.2.2020 before consideration of his representation. It is noted that vide order dated 18.2.2020 it is mentioned as under :

"On the other hand, learned counsel for the Respondents submitted that he has received instruction to the effect that the applicant will be accommodated within the State of Odisha after his transfer to RE, Allahabad and since he is holding a senior level post on ad hoc basis, after his relief, the other person who is likely to get promotion on regular basis could be posted against that post."

In view of the above, we dispose of the OA at this stage with a direction to Respondent No.1 to take a decision on the representation of the applicant dated 27.1.2020 (Annexure A/6) and communicate his decision to the applicant within 07 days from the date of receipt of a copy of this order and till that time no disciplinary action will be taken against the applicant for non-compliance of the transfer order dated 13.2.2020 (Annexure A/7). The applicant will be at liberty to take appropriate action as per law if he is still aggrieved after disposal of his representation dated 27.1.2020 by the Respondent No.1.

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

(SWARUP KUMAR MISHRA)
MEMBER (J)

(GOKUL CHANDRA PATI)
MEMBER (A)

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