



FORM No. - 4

See Rule (12)

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
CUTTACK BENCH

**ORDER SHEET**

Application No. OA. 151 of 2004.

Applicant(s) B. Srinivas Respondent(s) Union of India for s.  
Advocate for Applicant(s) M/s. Achintya Das Advocate for Respondent(s)  
S. P. Naik

NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL
<p>E. P. O. of Res. of - filed. Details pointed out in Scrutiny format may kindly be perused. For favour of Registration Consideration please.</p> <p>6.4.04</p> <p>For Registration pl.</p> <p>13/4/04</p> <p>Registration No. 3</p> <p>13.04.04</p>	<p>REGISTER</p> <p>13/4/04</p> <p>Order dated 22.4.2004</p> <p>Heard Shri A. Das, learned counsel for the applicant and Shri R.C. Rath, learned Standing Counsel (on whom a copy of the O.A. has been served) appearing on behalf of the Respondents.</p> <p>The grievance of the applicant is that while working as M.S.M. I, he was medically declassified and in consequence thereof, he was posted vide order dated 19.12.2003 of the Res. No. 3 as Junior Telephone Operator.</p>

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NOTES OF THE REGISTRY

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For Admision - copy  
served.

Bench

21/4/04

(with) the stipulation that he would continue to draw his salary in the scale in which he was working on a regular basis at the time of medical declassification. Thereafter, by virtue of Office Order No.30/04 dated 4.3.2004, the Senior Divisional Personnel Officer, (vide Item - 3 Part-A of that order) declared that the applicant has been posted as Junior Telephone Operator in the scale of Rs.3050-4590/- by down-grading the post. It is the case of the applicant that by operation of this order dated 4.3.2004 his interest has seriously been jeopardized as he has been posted against a lower post, in violation of the existing instructions in the matter of offering alternative job to the medically declassified employees as well as in deviation of the instructions issued earlier on 19.12.2003.

Having heard the learned counsel of both the sides and having regard to the issues raised by the applicant in the present O.A., we are of the opinion that in the first instance the applicant should bring out the contradiction in the order passed by the Sr. Divisional Personal Officer in his order dated 4.3.2004 and appeal to him to carry out the necessary amendment to the order in terms of the rules/instructions laid down in this regard. The applicant is, therefore, directed to submit a fresh representation to the Sr. Divisional Personnel Officer, if so advised.

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within a period of 30 days from the date of receipt of copy of this order. The Respondents, particularly the Sr.Divisional Personnel Officer, is directed to consider the matter in the light of the rules and instructions governing the field and pass appropriate orders thereon within a period of 45 days from the date of receipt of such representation from the applicant, which in our considered view would meet the ends of justice.

With the observation and direction made above, the O.A. is disposed of at the admission stage. No costs.

Since Senior Divisional Personnel Officer, East Coast Railways has not been made as Respondent in this case (to whom specific direction has been issued above), it is directed that the applicant should file extra copy of the O.A. along with required postages, whereafter Registry is directed to send a copy of the O.A. along with copy of this order to Sr.Divisional Personnel Officer, East Coast Railway, Khurda.

*Subba*  
VICE-CHAIRMAN

*Subba*  
MEMBER (JUDICIAL)

*Copy of order off 22/4/04  
Issued to the Counsel  
for both sides.*

*Subba  
22/4/04  
S.C.*

*Copy of order off 22/4/04  
a/w off copy issued  
to all the resp.  
by Posts.*

*As per the direction of  
the Hon'ble Court the same  
copy a/w off copy issued  
to the Sr. DPO, Dr.C.Rly.  
Khurda Road by Regd. Posts.*

*Subba  
S.C.*

*Subba  
S.C.*