



FORM No. 4

See Rule (12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

ORDER SHEET

Application No. OA 1094 of 2004

Applicant(s) Prakash Kumar Dash Respondent(s) Union of India

Advocate for Applicant(s) Mr. Achintya Das Advocate for Respondent(s)

NOTES OF THE REGISTRY

9.P.O. of 16/11/04
Filed.

For orders re
Registration.

By Regd.

On Memo.

For adjustment
and intimation
order.

Bench

My
22/11/04

ORDERS OF THE TRIBUNAL

REGISTER

22/11/04
Registrar

Order dated : 23.11.04

Heard Mr. Achintya Das, Lt. Counsel appearing for the Applicant and Mr. R.C.Rath, Lt. Standing Counsel for the Railways; on whom a copy of this O.A. had already been served.

2. Applicant, in a disciplinary proceeding, faced punishment of reversion from the post of Deputy Station Superintendent to that of Station Master. He unsuccessfully preferred an appeal on representation. Thereafter, he has levied a representation to the General Manager of East Coast Railways under Annexure-A/15, dated 9.8.04. In paragraph 8 of the said representation, the

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Orders of the Tribunal

Notes of the Registry

copies of order
on 23.11.09 handed
over to counsels
by 5th Nov. 09.

On 23.11.09

Copies of order
alongwith copies of
order for issue to all
resps.

20/11

30/11/09
10 (5)

Applicant has stated as under :

" That Sir, the present CQM/E.Co. Railways is an Officer with vast experience of safe-working, as he was the most effective CSM/S.E.Rly, may please be requested to probe into matter along with the CSTE/E.Co.Rly in the back-drop or SWR of KUR and certify whether the present system of working prevailing in KUR coaching yard is in accordance with the SWR and if not whether the present working has the approval of CRS. It would reveal how unauthorized system of working is in force in KUR yard right under the nose of senior Officers, who will only wake up when something serious will take place and at that time they will not hesitate to find fault with the grass-root level workers."

3. In essence the applicant has desired that instead of a Jr. Officer taking demonstration of the matter Sr. Officers like Chief Operations Manager and Chief Signal & Telecom Engineer should take demonstration of the matter in presence of the Applicant.

4. In the aforesaid premises, before disposing of the grievance of the applicant as raised under Annexure-A/15, dated 9.3.04, the General Manager of East Coast Railways should detail a committee consisting of CQM and CSTE to take demonstration of the technical aspect of the Signal Locking System etc. (as raised by the applicant) in presence of the Applicant. Before taking demonstration therefore, the Applicant should be noticed appropriately. The report of the said committee should also be supplied to the applicant requiring his comments and only thereafter, the General Manager of East Coast Railways should pass appropriate orders on the representation dated 9.3.04 of the Applicant. In the event, the General Manager takes a prima-facie

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NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

view for review of the entire matter, then papers need be placed before the reviewing authority for passing of the necessary final orders.

5. With the aforesaid observations and directions this O.A. is disposed of at admission stage. It is made clear that until the aforesaid entire exercise are completed the punishment imposed on the Applicant should not be effected.

6. Send copies of this order to the Respondents along with copies of the O.A. and free copies of this order be also given to the Ld. Counsel appearing for both the parties.

J. S. J.
23/11/04
Member (J)