



FORM No. 4

See Rule (12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL CUTTACK BENCH

ORDER SHEET

Application No. OA 1197 of 2004

Applicant (s) Pradeep Kumar Jena Respondent (s) Union of India & another

Advocate for Applicant (s) M/s S.S. Patra
G.N. Padhi
B.K. Sahoo
N.R. Mohanty
M.S. Sahu

Advocate for Respondent (s) _____

NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL
<p>I.P.O. of 1501-2 filed.</p> <p>For order re. registrations.</p> <p><u>14/12/04</u> <u>16</u></p> <p><u>16.12.04</u></p> <p>For Adm. Ben. Copy Secret.</p>	<p>REGISTER</p> <p><u>Order dated 18.01.06</u></p> <p>Applicant is presently posted as Station Master of Jaleswar Railway Station under Kharagpur Division of South Eastern Railways. Previously he was in Chakradharpur Division of South Eastern Railways and, on his own request, he came on transfer to Kharagpur Division. It is the case of the Applicant that while accepting in Kharagpur division he was not given pay protection. ^{and} And that he was also taken to a lower rank. It is also the case of the Applicant that he submitted representations to the authorities which did not receive any consideration. His last representation ^(submitted) on 2.12.03</p>

Notes of the Registry

Orders of the Tribunal

at Annexure-1) also has not received any consideration. No heed having been paid to his grievances as raised in his repeated representations, the Applicant has approached this Tribunal with the present Original Application under Section 19 of the Administrative Tribunal's Act, 1985. A copy of this O.A. (filed on 20.04.04) was served on Mr. R.C. Rath, Id. Standing Counsel for the Railways on 10.5.04.

Today the Id. Counsel for the Applicant has placed a copy of the order dtd. 15.3.04 of this Tribunal rendered in O.A. No. 214/99 which was passed on the basis of Railway Board's circular letter No. F(E) II/91/Misc./2 dtd. 20.8.1999 and the decisions of this Tribunal rendered on 03.04.96 in O.A. No. 712/94 and of the Hyderabad Bench of this Tribunal rendered on 14.11.94 in O.A. No. 1252/94 and that of Ernakulam Bench of this Tribunal rendered on 26.2.93 in O.A. No. 333-400/1992. It is the case of the Id. Counsel appearing for the Applicant that for the reason of the decision rendered by this Tribunal in its order dtd. 15.3.04 rendered in O.A. No. 214/99, the Applicant is/was entitled to pay protection.

Since the grievances of the Applicant are yet to be redressed finally by the Respondents, this O.A. is hereby disposed of by granting liberty to the Applicant to put up a consolidated representation by end of January 2006 and if such a representation is made by the Applicant by end of January, 2006, then the Respondents should give due consideration to the grievances of the Applicant, as due and admissible under the rules, by end of April, 2006.

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

The Applicant should produce an authenticated copy of the order dtd.15.3.04 of this Tribunal rendered in O.A.No.214/99 before the Respondents along with his representation to be filed by end of January, 2006.

With the aforesaid observation and direction this O.A. is disposed of at the admission stage after hearing Mr.S.S.Patra, Id.Counsel appearing for the Applicant and Mr.R.C.Rath, Id.Standing Counsel for the Railways.

Send copies of this order to the Respondents along with copies of this O.A. and free copies of this order be handed over to the Id.Counsel appearing for both the parties.

A free copy of this order be ^{also} sent to the Applicant in the address given in the cause title of this Original Application.

Member (J)

18/01/06

Copies of order dt 18.1.06
issued to counsel for both
sides.

h
20/1/06

Copy of Order with copy
of OA may be sent to
all respondents and copy
of order may be sent
to applicant ~~at~~ in his
address.

h
20/1/06

SO (J)

1/3/06