

6

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

O.A.No. 43 of 2011  
B.V.Rao .... Applicant  
Versus  
Union of India & Ors .... Respondents

1. Order dated: 25<sup>th</sup> April, 2011.

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THE HON'BLE MR.C.R.MOHAPATRA, MEMBER (A)  
A N D  
THE HON'BLE MR.A.K.PATNAIK, MEMBER (J)

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The Applicant, stating to be a Vehicle Driver, working in the Office of the Chief Engineer/Construction/Design/East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar has filed this OA on 1<sup>st</sup> February, 2011, seeking to declare the order dated 17.5.2004 in Annexure-A/5 as *non est* and to direct the Respondents to restore the Applicant in the post of Vehicle Driver Grade-I w.e.f. 17.05.2004 and for payment of differential arrear salary. By way of ad interim order he has sought stay of the order of reversion dated 17-05-2004 in Annexure-A/5. By filing MA No. 80 of 2011 he has also prayed to condone the delay in filing the OA. Upon considering the rival submissions of the parties, in order dated 02-02-2011 notices were directed to be issued to the Respondents giving them opportunity to file their reply/counter.

2. Despite passage of time no counter/show cause to the prayer for interim relief sought by the applicant has been filed by the Respondents. Learned Counsel for the Applicant submitted that the applicant submitted representation seeking the relief claimed in this OA on 14.12.2010 in Annexure-A/13 but no reply was given to the Applicant and on the other hand, despite opportunity till date no counter/show cause was filed by the Respondents. Hence, he insisted on the grant of interim relief as prayed by him in this OA. This was strongly opposed by the Learned Standing Counsel appearing for the Respondents.

3. We have considered the rival submission of the parties and perused the materials placed on record. An employee has a right to know the decision taken on his/her grievance made through representation that too without much delay. It is the case of the applicant that he has submitted a representation on 14.12.2010 and as no reply was communicated to him he has approached this Tribunal in the present OA filed on 1<sup>st</sup> February, 2011. In the circumstances, we feel that since representation of the applicant is still pending with the authority, there is no use to keep this matter pending. Hence, as agreed to by Learned Counsel for both sides, without expressing any opinion on the merit of the matter and keeping the point of limitation open, this OA is

8

disposed of at this admission stage with direction to the Respondent No.4, (to whom such representation is addressed and is stated to be pending) to consider the representation and communicate the result thereof [in a reasoned order] to the applicant within a period of two months from the date of receipt of copy of this order. Accordingly, notices issued to the Respondents, by the Registry on 04-02-2011, in compliance of the order of this Tribunal dated 02-02-2011 are recalled. No costs.

*N. Patnaik*  
(A.K.PATNAIK)  
Member (Judl.)

*C.R. Mohapatra*  
(C.R.MOHAPATRA)  
Member (Admn.)