

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A No. 198 of 2011

Cuttack, this the 12th day of April, 2011

CORAM:

THE HON'BLE MR.C.R.MOHAPATRA, MEMBER (A)

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THE HON'BLE MR.A.K.PATNAIK, MEMBER (J)

Pratyus Harichandan, aged about 35 years, son of Bansidhar Harichandan, at present working as Junior Engineer -II (Electrical), O/O the Chief Electrical Engineer, East Coast Railway, ECoRailway Sadan, Chandrasekharpur, Bhubaneswar, at present staying at C-44, Mahavinayakpuram, Patia nears KIIT Square, Bhubaneswar-751 024.

.....Applicant

By legal practitioner: M/s.N.R.Routray, Counsel

-Versus-

1. Union of India represented through the General Manager, East Coast Railway, ECoR Sadan, Chandrasekharpur, Bhubaneswar, Dist. Khurda.
2. Chief Personnel Officer, East Coast Railway, ECoR Sadan, Chandrasekharpur, Bhubaneswar, Dist. Khurda.
3. Chief Electrical Engineer, East Coast Railway, ECoR Sadan, Chandrasekharpur, Bhubaneswar, Dist. Khurda.
4. Chief Electrical Distribution Engineer, East Coast Railway, ECoR Sadan, Chandrasekharpur, Bhubaneswar, Dist. Khurda.
5. Senior Divisional Personnel Officer, East Coast Railway, Khurda Road Division, At/Po. Jatni, Dist. Khurda.
6. Senior Divisional Electrical Engineer/TRD, East Coast Railway, Khurda Road Division, At/Po. Jatni, Dist. Khurda.

.....Respondents

By legal practitioner: Mr.S.K.Ojha, SC

ORDER

MR. C.R.MOHAPATRA, MEMBER (ADMN.):

The prayer of the Applicant in this Original

Application filed U/s.19 of the A.T. Act, 1985 is to quash the order

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under Annexure-A/6 dated 23-07-2008, the order under Annexure-A/8 dated 24-03-2011 and to direct the Respondents to cancel the lien and treat the applicant as an employee of the East Coast Railway, Headquarters. By way of interim order, applicant has prayed for direction to the Respondent No.2 to dispose of his pending representation as at Annexure-A/9 dated 28-03-2011. By filing MA No. 304 of 2011, he seeks to condone the delay in filing this OA.

2. The matter was listed on 06.04.2011 for considering issuance of the notice to the Respondents. After hearing learned counsel for the Applicant and Mr.S.K.Ojha, Learned Standing Counsel for the Respondents-Railway, notice both on the OA as also MA No. 304 of 2011 was directed to be issued inviting counter of the Respondents.

3. This matter has been listed today on the Memo dated 11-04-2011 filed by the Applicant seeking consideration of his interim relief prayed for in the OA. Heard learned counsel for both sides and perused the materials placed on record. It reveals from the record that in compliance of the order of this Tribunal dated 06-04-2011 notice both on OA as well as MA has already been issued to the Respondents by Regd. Post with AD on 11-04-2011. Despite the above, Learned Counsel for the Applicant prays that


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he will be satisfied if this OA is disposed of at this stage with direction to the Respondent No.2 to consider and dispose of his pending representation as at Annexure-A/9 which was not seriously objected to by Learned Standing Counsel for the Respondents but he submitted that the prayer made in the MA may be left open.

4. In the circumstances, without expressing any opinion on the merit of the matter as also on the prayer made in the MA No. 198 of 2011, on the request of the Learned Counsel for the Applicant, this OA is disposed of at this stage with direction to the Respondent No.2 to take a decision on the pending representation of the Applicant in Annexure-A/9 and communicate the said decision in a well reasoned order to the Applicant within a period of 30(thirty) days from the date of receipt of copy of this order. Till then status quo as of date in respect of repatriation of the applicant shall be maintained. Accordingly, notice already issued to the Respondents requiring them to file counter is hereby recalled.

5. Copy of this order be handed over to the Learned Counsel for both sides.


(A.K.PATNAIK)
Member (Judicial)


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