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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A. No. 260/00760 of 2016

Cuttack this the 20th Day of December, 2016

CORAM

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

Krushna Chandra Barik, aged about 38 years, S/o. Panchanana Barik,
At/PO-Antara, Via-Ada, Dist. Balasore

...Applicant

By the Advocate(s)-M/s. D.P. Dhalasamant, N.M. Rout.

-VERSUS-

1. Union of India, Represented through its General Manager, East Coast Railway, Rail Vihar, Chandrasekharapur, Bhubaneswar, Dist. Khurda, Odisha.
2. The Chief Personnel Officer (Recruitment), East Coast Railway, Rail Sadan, 2nd Floor, South Block, Chandrasekharapur, Bhubaneswar, Dist. Khurda - 751017.
3. The Chairman, Railway Recruitment Cell, 2nd Floor, South Block, Chandrasekharapur, Bhubaneswar, Dist- Khurda-751017.
4. The Deputy Chief Personnel Officer (Recruitment), East Coast Railway, Rail Sadan, 2nd Floor, South Block, Chandrasekharapur, Bhubaneswar, Dist- Khurda-751017.

.....Respondents

By the Advocate(s)-Mr.T. Rath,

ORDER(Oral)

A.K.PATNAIK, MEMBER(J):

Heard Mr. D.P. Dhalasamant, Ld. Counsel for the applicant, and Mr. T. Rath, Ld. Standing Counsel for the Railways, on whom a copy of this O.A. has already been served and perused the records on the question of admission.

2. In this O.A. the applicant, has challenged the inaction of the respondents in issuing appointment order for the post of Gr-D in his favour even after conducting the re-medical examination.

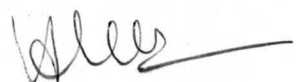
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3. Brief facts leading to filing of this O.A. are that applicant; in response to public notification dated 28.10.2006 issued by the E. Co. Railway for the post of Gr-D submitted his application in the prescribed format. The applicant on being qualified in the written examination and Physical Efficiency Test was called for verification of documents and medical examination. The applicant was declared medically unfit and was given an opportunity for second medical examination. The applicant reported before the authority for second medical examination which was conducted on 29.08.2013, but the result thereof was neither communicated to the applicant nor the applicant has been offered appointment for the Gr.D post. While the matter stood thus, applicant submitted an application dated 25.05.2015 (**Annexure-6**) for consideration of his case for appointment in the post of Gr-D which is yet to be disposed of.

11. The grievance of the applicant is that although he is an eligible candidate, neither the result of the re-medical examination was declared nor his representation dated 25.05.2015 (Annexure-6) was disposed of till date. Hence, by filing the instant O.A., applicant has prayed for the following relief.

- (i) the respondents be directed to appoint the applicant in the post of Jr. Trackman/Helper-II,
- (ii) to pass any order/order(s) as deem fit and proper to give complete relief to the applicant, and
- (iii) the Respondent No.1 be directed to dispose the representation dated 25.05.2015 of the applicant during pendency of this O.A.

12. Since the representation preferred by the applicant as aforesaid is stated to be pending before the Respondent No.1, at this stage, I am not inclined to issue notice asking the respondents to file their counter. Therefore, without going into the merit of the matter, I dispose of this O.A. at this admission stage with direction to Respondent No.1 to consider the aforesaid




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representation, if at all filed and is still pending consideration, as per rules and regulations in force and communicate the result thereof to the applicant by way of a well reasoned order within a period of two months from the date of receipt of a copy of this order. Though, I have not expressed any opinion on the merit, all the points raised in his representation are kept open to be considered by the authorities concerned. It is made clear that if the applicant is found to be entitled to the relief claimed by him, then expeditious steps be taken to extend the said benefit in his favour within a further period of two months from the date of communication of decision. However, if in the meantime representation has already been considered and disposed of, then the result thereof be communicated to the applicant within a period of two weeks from the date of receipt of copy of this order.

6. With the aforesaid observation and direction, the O.A. is disposed of at the stage of admission itself. No costs.

7. On the prayer made by the learned counsel, copy of this order along with paper book be communicated to the Respondent No.1 by Speed Post at the cost of the applicant, for which Mr. Dhalasamant undertakes to file the postal requisites by 24.12.2016.

8. Free copy of this order be made over to learned counsel for both the sides.


(A.K.PATNAIK)
MEMBER (J)