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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 260/00776 of 2016
Cuttack, this the 2nd day of December, 2016

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

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Bhagaban Paikaray,
aged about 55 years,
Son of Gajendra Paikray,
At- Kashipur (Gopinathpur),
PO- Nirakarpur, Dist- Khurda-752019.

...Applicant

(Advocates: M/s. S.C.Samantray, U.K.Mishra, S.Swain)

VERSUS

Union of India represented through the

1. General Manager,
East Coast Railway,
Chandrasekharapur,
Bhubaneswar.
2. Divisional Railway Manager,
East Coast Railway,
Khurda Road Division, Khurda.
3. Senior Divisional Personnel Officer,
East Coast Railway,
Khurda Road Division, Khurda.
4. Senior Section Engineer (Sig.)
East Coast Railway,
Talcher, Dist- Angul.

... Respondents

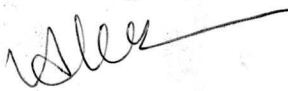
(Advocate: Mr. T.Rath)

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ORDER (ORAL)

A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. S.C.Samantray, Ld. Counsel for the Applicant, and Mr. T.Rath, Ld. Standing Counsel appearing for the Respondent-Railways, on whom a copy of this O.A. has already been served, and perused the materials placed on record.



2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 challenging the Order No. P/KUR/LARSGESS-2016 (1st half)/Eligibility/1 dated 06.04.2016 (Annexure-7) rejecting his application applied under Liberalised Active Retirement Scheme for Guaranteed Employment for Safety Staff (LARSGESS) Scheme for appointment of his son Shri Mahendra Paikray, by giving promotion wrongly to the applicant to the post of Black Smith-III though he was not eligible to sit in the examination for promotion (Annexure-2). Accordingly, he has filed this O.A. praying for the following relief:

“.....to treat the applicant as Khalasi Helper in the safety category with GP Rs. 1800/- with MACP GP Rs. 1900/- and Rs. 2000/- and to set aside the order dated 06.04.2016 (Annexure-7) in respect of the applicant and consider the applicant's application for active retirement under LARSGESS Scheme as eligible category and recommend his son's nomination for appointment.”

3. Mr. Samantray, Ld. Counsel for the applicant submitted that although the applicant has been ventilating his grievance by making representation on 15.06.2016 (Annexure-8) to the General Manager, E.Co.Railway, but till date no reply has been received from the said authority, i.e. Respondent No. 1.


4. Since the representation of the applicant is stated to be pending with Respondent No.1, without going into the merit of the matter and without prejudice to either of the sides, I dispose of this O.A. at this admission stage with direction to Respondent No.1 to consider the said representation dated 15.06.2016, if at all filed and is still pending, and to pass a well reasoned order and communicate the result thereof to the applicant within a period of three

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months from the date of receipt of a copy of this order. I make it clear that although I have not entered into the merit of the case and all the points raised in the representation are kept open for the Respondent No.1 to consider as per the rules and regulations in force, still then I hope and trust that if after such consideration, the applicant's case is found to be genuine then necessary steps be taken for redressal of his grievance preferably within a further period of three months from the date of such consideration. However, if in the meantime, the said representation of the applicant has already been disposed of, then the result of the same be communicated to the applicant within a period of four weeks from the date of receipt of a copy of this order.

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

6. Copy of this order along with paper book be communicated to Resp. Nos. 1 and 3 by Speed Post at the cost of the applicant for which Mr. Samantray, Ld. Counsel for the applicant, undertakes to file the postal requisites by 06.12.2016.


(A.K.PATNAIK)
MEMBER (J)