

3 CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00795 OF 2016
Cuttack, this the 9th day of November, 2016

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

Sri Apurb Kumar Singh aged about 50 years S/o Late Panchu Singh of Plot No. 1683, Baramunda, Bhubaneswar presently residing in the H/O Minati Prava Bihari, Ganapati Lane, Rajendra Nagar PO- Madhupatna Town/Dist-Cuttack, working as Loco Pilot(Goods) in the East Coast railways.

...Applicant
(By the Advocate-M/s. B. Dash, C. Mohanta)

-VERSUS-

Union of India Represented through

1. Joint Director (Establishment), Ministry of Railways, Railway Board, New Delhi.
2. General Manager, East Coast Railway, Rail Bhawan, Chandrasekharpur, Bhubaneswar, Dist-Khurda.
3. Sr. Divisional Personnel Officer, East Coast railway, Khurda Road, PO-Jatni, Dist-Khurda.
4. Sr. Divisional Electrical Engineer(OP), Khurda Road, Jatni, East Coast Railway, Dist Khurda.
5. Divisional Railway Manager, East Coast Railway, Khurda Road Jatni, Khurda.
6. Bijay Kumar Behera
7. Chandan Mandal
8. Srinibash Behera
9. Arun Kumar Behera
10. Nirmal Behera
11. Gadadhar Sethi
12. Ram Singh
13. Bishnu Charan Sethi
14. D. Jayapal
15. S. Venkateswar Rao
16. Bibhas Das
17. Jorgeswar Behera
18. Santosh Kumar ram
19. Shiba Prasad Behera
20. Eada prakasam
21. Chitrasen Naik
22. Jatindranath Murmu

Alka

23. Muralidhar Nayak
24. Baidhar Singh
25. Santosh Kumar Singh
26. Alekh Ch. Naik
27. Saroj Kumar Naik
28. Bimal Ekka

Respondent Nos. 6 to 27 are working as Loco Pilots Goods in east Coast railway, Khurda Road, Jatni, Dist-Khurda under the Res.No.4

...Respondents

By the Advocate- Mr. T. Rath

ORDER(Oral)

A.K.PATNAIK, MEMBER(I):

Heard Mr. B.Dash, learned counsel for the applicant and Mr. T.Rath, learned Standing Counsel for the Respondents on the question of admission and perused the records.

2. Applicant is presently working as Loco Pilot (Goods) under the Respondent-Railways. His grievance is directed against the reservation in the matter of promotion to the grade of Loco Pilot (Passenger). In this connection he has assailed Memorandum dated 16.08.2016(A/1) by virtue of which results of suitability test for promotion to the post of Loco Pilot (Passenger) with the prescribed benchmarking has been announced. The main thrust of the O.A. according to applicant is that RBE No.126/2010 came to be issued by the Railway Board on 1.9.2010 in the matter of reservation in promotion – treatment of SC/ST candidates promoted on their own merit, based on the instructions of the DOP&T, which *inter alia* clarified that “*SC/ST candidates appointed by promotion on their own merit and seniority and not owing to reservation or relaxation of qualification will be adjusted against unreserved points of reservation roster, irrespective of*



- 3 -

5 the fact whether the promotion is made by selection method or non-selection method. Over and above, it has been contended by the applicant that as per the decision of the Hon'ble Supreme Court reservation cannot be extended to reserved category candidates in promotion unless and until it is held that their representation in service is inadequate and therefore, without adhering to the principles so decided by the Hon'ble Supreme Court and the RBE No.126/2010, respondents are taking steps to place the matter before the DPC for promotion to the post of Loco Pilot (Passenger) consequent upon the result as announced vide A/1 to the O.A.

3. It reveals from the record that ventilating his grievance, applicant has submitted a detailed representation dated 20.10.2016 (A/5) to the Senior Divisional Personnel Officer, E.Co.Railways (Res.No. 3) and since he has not yet received any reply, he has approached this Tribunal for redressal of his grievance.

4. Since representation as aforesaid is stated to be pending, at this stage, I am not inclined to direct notice to the respondents to file their counter. In view of this, without expressing any opinion on the merit of the matter, I would dispose of this O.A. at the stage of admission itself with direction to Respondent No.3 to consider the representation at A/5 to the O.A., if the same has been received and is pending consideration, in accordance with extant rules and instructions on the subject and communicate the decision thereon to the applicant within a period of sixty days from the date of receipt of this order. It is, however, made clear that all the points raised in the representation are kept open to be considered by

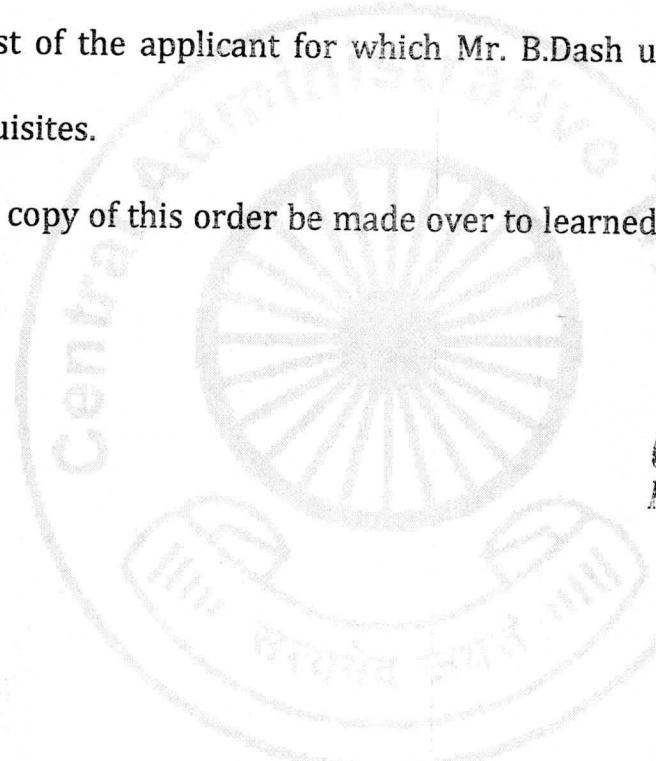


6 Res.no.3. It is further directed that if the applicant is found to be entitled to the claims made by him in his representation, the same be extend to him within a further period of two months from the date of communication of the decision. However, it is directed that no further action shall be taken in pursuance of Memorandum 16.08.2016(A/1)for a period of one month from the date of communication of decision to the applicant on his representation.

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

6. On the prayer made by the learned counsel, copy of this order along with paper book of O.A. be sent to respondent nos. 2 and 3 by Speed Post at the cost of the applicant for which Mr. B.Dash undertakes to file the postal requisites.

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


A handwritten signature in black ink, appearing to read "Akash".
(AK.PATNAIK)
MEMBER(O)

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