

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

Original Application No. 260/00249 of 2015
Cuttack, this the 12th day of May, 2015

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (J)
HON'BLE SHRI R.C.MISRA, MEMBER (ADMN.)

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1. Manoj Kumar Bhoi, aged about 37 years, son of Sri Giridhari Bhoi, at present working as Sr. Gateman.
2. Sraoj Kumar Pathak, aged about 42 years, son of Sri Satyanarayan Pathak, at present working as Jr. Gateman.
3. Kedarnath Barik, aged about 39 years, son of Sri Ganesh Ch. Barik, at present working as Jr. Gateman.
4. Sakyasingh Mohanty, aged about 45 years, son of Sri Balabhadrak Mohanty, at present working as Sr. Gateman.
5. Sindhu Kumar Das, aged about 38 years, son of Rajkishore Das, at present working as Jr. Gateman.
6. Ajay Kumar Singh, aged about 41 years, son of Sri Chandra Singh, at present working as Head Gateman.
7. Bhagirathi Sahu, aged about 42 years, son of late Bimbadhar Sahu, at present working as Sr. Gateman.

(All are working under Sr. Section Engineering, East Coast Railway, Khurda Division, At/PO- Barang, Dist- Cuttack.)

...Applicants

(Advocates: M/s. S.K.Das, S.K.mishra, P.K.Behera)

VERSUS

Union of India Represented through its

1. Secretary in the Ministry of Railways,
Rail Bhawan, New Delhi.
2. Railway Board, represented through its
Secretary, Rail Bhawan, New Delhi.
3. General Manager,
East Coast Railway,
Rail Bhawan, Chandrasekharpur,
Bhubaneswar, Dist. Khurda.
4. Chief Personnel Officer,
East Coast Railway,
Rail Bhawan, Chandrasekharpur,
Bhubaneswar, Dist. Khurda.



5. Sr. DPO,
East Coast Railway,
Khurda Road Division,
At/PO- Jatni, Dist. Khurda.

(Advocate: Mr. T. Rath)

... Respondents

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O R D E R (ORAL)

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

Heard Mr. S.K.Das, Ld. Counsel for the applicants, 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. M.A.No. 318/15 filed by the applicants to prosecute this case jointly is allowed subject to payment of Rs. 50/- per applicant except applicant no.1. Ld. Counsel for the applicants undertakes to make the payment by 14.05.2015. As prayed for Mr. Das, he is also allowed to incorporate Sr. DPO, E.Co.Rly, Khurda Road, as party Respondent both in the court copy as well as in the copy served on Mr. Rath.

3. This O.A. has been filed by the applicants under Section 19 of the Administrative Tribunals Act, 1985 praying for a direction to the Respondents to prepare the unified gradation list of the Track Maintainers by taking their initial date of joining in service as per the board's decision instead of preparing any other list in any other manner. They have further prayed to direct Respondents to consider their representations within a stipulated period. Their grievance is that they were appointed as Trackman in the East Coast Railways and holding Group-D posts in PB-1 with Grade Pay Rs. 1800/- but they have been posted ^{as} ~~at~~ Gateman where there is no promotional avenue. It has been submitted that they should have been placed in the gradation list of the Trackman on the basis of their initial entry into the service but they have been placed much below the list. To substantiate their stand they have filed the unified gradation list of Track Maintainers published by the East Central Railway

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vide Annexure-A/4. Mr. Das, Ld. Counsel for the applicants, submitted that ventilating their grievance applicants made an exhaustive representation on 20.02.2015 vide Annexure-A/5 to Respondent No.5 but till date the applicants have received no response.

4. Taking into account the submission made by Mr. Das, Ld. Counsel for the applicant, without expressing any opinion on the merit of the case, we dispose of this O.A. at this admission stage by directing Respondent No. 5 to consider and dispose of the representation dated 20.02.2015, if the same has been filed and is still pending consideration, keeping in mind the gradation list published by other Railways vide Annexure-A/4 and pass a well reasoned order and communicate the same to the applicants within a period of 60 days from the date of receipt of a copy of this order. However, the points raised by the applicants in their representation are kept open for the authorities to consider the same as per the law and rules in force. However, if in the meantime the said representation has already been disposed of then the result thereof be communicated to the applicants within a period of two weeks from the date of receipt of a copy of this order.

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

6. On the prayer made by Mr. Das, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 5 by Speed Post for which he undertakes to file the postal requisites by 16.05.2015.


(R.C.MISRA)
MEMBER(Admn.)


(A.K.PATNAIK)
MEMBER(Judl.)