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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 260/00266 OF 2015
Cuttack, this the 18th day of May, 2015

CORAM
HON'BLE MR. R.C. MISRA, MEMBER (A)

Manas Ranjan Pati,
aged about 38 years,
S/o- Kshama Sagar Pati,
At. Shakti Nagar,
W.N.-II, PO/Dist. Bargarh,
At present working in the Office of
The Station Manager, Railway,
At-Titilagarh, Sambalpur Division,
East Coast Railway,
At/PO-Sambalpur, Odisha.

.....Applicant
Advocate(s)-M/s- K. Mohanty, S. Das

VERSUS

Union of India represented through

1. The General Manager,
East Coast Railway, at Rail Sadan,
Chandrasekharpur, Bhubaneswar-17,
Dist.-Khurda.
2. Divisional Railway Manager,
Sambalpur Division,
East Coast Railway,
At/P.O./Dist-Sambalpur.
3. Addl. Divisional Railway Manager,
Sambalpur Division,
East Coast Railway,
At/P.O./Dist-Sambalpur.
4. Senior Divisional Operation Manager,
Sambalpur Division,
East Coast Railway,
At/P.O./Dist-Sambalpur.
5. Sr. Divisional Medical Officer,
Sambalpur Division,
East Coast Railway,
At/P.O./Dist-Sambalpur.
6. Sr. Divisional Personal Officer,
Sambalpur Division,
East Coast Railway,
At/P.O./Dist-Sambalpur.

..... Respondents

Advocate(s)..... Mr. T. Rath

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ORDER (oral)

R.C. MISRA, MEMBER (A)

Heard Mr. K. Mohanty, Ld. Counsel appearing for the applicant and Mr. T. Rath, Ld. Standing Counsel, appearing for the Respondents-Railways on the question of admission.

2. It is the case of the applicant that he has been decategorized on the advice of the doctor that he is not fit to discharge the normal functions on account of his serious ailments. After decategorization, Railway authorities have posted him as Section Controller at Sambalpur. According to applicant, the post of Section Controller involves strenuous duties which he is not in a position to discharge because of his health condition. The post of Section Controller is also a safety category post. Therefore, he had made a representation to the Sr. Divisional Operating Manager, East Coast Railway, Sambalpur (Respondent No.4) on 15.02.2015 praying for a specific prayer that he should be posted to ministerial post on the basis of the recommendations of the Railway Headquarters Hospital. He also further submits that the representation submitted by him on 15.02.2015 was disposed of by the same authorities vide letter dated 16.04.2015 which does not address the specific grievance raised by the applicant for his posting against a ministerial post on health ground.

3. On the other hand, Mr. T. Rath, Ld. Standing Counsel submitted that there is no bar for posting a decategorized person against the post of Section Controller and this being a stationary post the applicant could manage the affairs smoothly. Mr. Rath pointed out that the applicant on his own request has been posted at Sambalpur.



4. Heard the Ld. Counsel appearing for both sides and perused the materials. It is found that the specific request made by the applicant in his representation dated 15.02.2015 regarding his absorption in a ministerial post on health ground has not been addressed by the authorities concerned vide their communication dated 16.04.2015 (Annexure-A/16). It further reveals that the concerned authorities without considering the prayer have simply directed that the applicant should be instructed to join as Section Controller, Sambalpur with immediate effect. Thus, it is evident that this disposal does not address the prayer made by the applicant in his representation dated 15.02.2015. At this stage, the Tribunal would not like to go into the merit of this matter. However, it is the duty of the Respondents to consider the very particular prayer of the applicant which has been made on health ground and after due consideration of the specific grievance made by him, they should pass a reasoned and speaking order on the representation dated 15.02.2015 and communicate the same to the applicant within a period of thirty days from the date of receipt of this order. Till disposal of the representation and communication of the reasoned order, status quo of the applicant shall be maintained.

5. With the above observation and direction this O.A. is disposed of at the stage of admission itself.

6. On the prayer made by Mr. K. Mohanty, Ld. Counsel for the applicant copy of this order along with paper book be sent to Respondent No.4 i.e., Senior Divisional Operating Manager, East Coast Railway,



Sambalpur at the cost of the applicant for which Mr. Mohanty under takes to file postal requisites by 19.05.2015. Free copy of this order be made over to Ld. Counsel appearing for both sides.


(R.C.MISRA)
MEMBER(A)

B.K.S