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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 260/00435 of 2015
Cuttack, this the 23rd day of July, 2015

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

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Biswaranjan Mishra,
aged about 28 years,
S/o Biswambar Mishra,
At/PO- Kumarkanga Sasan,
PS- Banpur, Dist. Khurda,
At present working as Token Porter,
Baitarani Road Railway Station, Jajpur Road,
Dist- Jajpur, Odisha.

...Applicant

(Advocates: M/s. N.C.Rout, S.K.Padhi, S.K.Mishra)

VERSUS

Union of India Represented through its

1. General Manager,
East Coast Railway,
Chandrasekharpur,
Bhubaneswar, Dist-Khurda.
2. Divisional Railway Manager,
East Coast Railway, Khurda Road,
At/PO- Khurda Road, PS- Jatni, Dist-Khurda.
3. Sr. Divisional Personal Officer,
East Coast Railway, Khurda Road,
At/PO- Khurda Road, PS- Jatni, Dist-Khurda.
4. Asst. Personal Manager (C&S),
O/o. East Coast Railway, Khurda Road,
At/PO- Khurda Road, PS- Jatni, Dist-Khurda.
5. Station Master,
Baitarani Road Railway Station, E.Co.Railway,
At/PO- Baitarani Road, Dist- Jajpur.

... Respondents

(Advocate: Mr. T.Rath)

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W. Allee

ORDER (ORAL)**A.K. PATNAIK, MEMBER (JUDL.):**

Heard Mr. N.C.Rout, 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 dated 13.04.2015. We find from that order, in which it has been categorically stated, that due to an administrative exigency the applicant has been changed from Token Porter to Gate Keeper with a rider that his conditions of service, i.e. promotion prospect etc. will remain the same as being Token Porter. In our considered view by that order the applicant is not at all prejudiced. Mr. Rath, Ld. Standing Counsel for the Railways, brought to our notice that order dated 13.04.2015, which is under challenge, is the consequential order of Office Order No. 17/2015 issued on 18.03.2015.

3. Mr. Rout submitted that the applicant has been posted as junior-most in the rank of Gate Keeper and, therefore, he will be in a disadvantageous position. However, we are not able to accede to such a submission. However, it has been brought to our notice that the applicant has made a representation to DRM, E.Co.Railway, i.e. Respondent No.2, vide Annexure-4 on 28.04.2015 ventilating his grievance, which is stated to be pending consideration. Therefore, we leave it to the authorities to first consider representation if at all pending and communicate the result thereof to the applicant in a well reasoned order within a period of three month from the date of receipt of a copy of this order. However, the points raised by the



applicant in his representation are kept open for the authorities to consider the same keeping in mind the law and the rules in force. It is made clear that till a decision is taken and communicated to the applicant, no coercive action will be taken against the applicant. If in the meantime the said representation has already been disposed of then the result thereof be communicated to the applicant within a period of two weeks from the date of receipt of a copy of this order.

4. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

5. On the prayer made by Mr. Rout, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 2 by Speed Post for which he undertakes to file the postal requisites by 27.07.2015.


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


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