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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 260/00444 of 2015
Cuttack, this the 22nd 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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Pratyush Harichandan,
aged about 40 years,
S/o Late Banshidhar Harichandan,
At/PO- Ghutur, Dist- Keonjhar,
At present working as Jr. Engineer (TRD),
East Coast Railway, Keonjhar.

...Applicant

(Advocates: M/s. P.K.Chand, N.Samal)

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 Division,
Jatni, Dist-Khurda.
3. Addl. Divisional Railway Manager,
East Coast Railway, Khurda Road Division,
Jatni, Dist-Khurda.
4. Sr. Divisional Electrical Engineer(TRD),
(Departmental Promotion Committee),
East Coast Railway, Khurda Road Division,
Jatni, Dist-Khurda- 753050.
5. Sri S.C.Nayak, Sr. DEE/TRD,
East Coast Railway, Khurda Road Division,
Jatni, Dist-Khurda- 753050.
6. Sri Piyush Singh, Ex-Sr. DEE/TRD,
East Coast Railway, Khurda Road Division,
Jatni, Dist-Khurda- 753050,
At present Dy. Chief Electrical Engineer (Con),
Office of C.A.O. (Con), North Eastern Railway,
Gorakhpur- 273012 (U.P.).
7. Sri R.C.Raiger, ADEE-II, TRS,
East Coast Railway, Raniguda,
PO- Turanga, Dist- Angul- 759123.

[Signature]

8. Sri Sujit Swain, SSE,
East Coast Railway,
Rajathagarh Railway Station,
Dist- Cuttack.

... Respondents

(Advocate: Mr. T.Rath)

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O R D E R (ORAL)

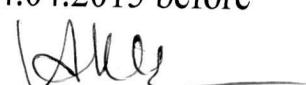
A.K. PATNAIK, MEMBER (JUDL.):

Heard Mr. P.K.Chand, 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 with the following reliefs:

“....to expunge the adverse remarks “average” and “below average” recorded in the ACR/APAR of the applicant for the years 2011-12 & 2012-13 respectively and quash the result “unsuitable” mention in the order dtd. 25.02.2015 as against the applicant and further be pleased to direct the Respondents to promote the applicant from the post of J.E. to SSE under Restructuring from the date of his juniors have been promote.”

3. Applicant was posted as Jr. Engineer after training on 23.07.2007. On 25.02.2015, Respondents published a list of 10 candidates promoted to the post of Sr. Section Engineer under Restructuring Cadre wherein applicant’s name was missing. On an RTI reply, he found that DPC has given remark as “unsuitable” against him. Under RTI Act, the applicant obtained copies of the ACR/APAR of the year 2011-12 and 2012-13 in which he has been awarded “average” and “below average” grading. Applicant made representation (Annexure-A/9) on 24.04.2015 before



Respondent No.3 ventilating his grievance, which is stated to be pending till date. Mr. Chand, Ld Counsel for the applicant, submitted that the Respondents may be directed to consider this pending representation keeping in mind the provisions enumerated under RBE No. 136/10 and O.M. No. 21011/1/2010-Estt-A dt. 13.04.2014, along with the other rule position (Annexures-A/6, A/7 and A/8).

4. In view of the above, since the representation of the applicant is stated to be pending, without expressing any opinion on the merit of the case, we dispose of this O.A. at this admission stage by directing Respondent No. 3 to consider and dispose of the representation dated 24.04.2015, if the same has been preferred by the applicant and is still pending consideration, with a well reasoned order and communicate the same to the applicant within a period of two months from the date of receipt of a copy of this order. Though, we have not expressed any opinion on the merit of the matter, we hope and trust that authorities will consider the points raised by the applicant in his representations keeping in mind the rules and regulations applicable to the case of the applicant. However, all the points raised by the applicant in his representation are kept open for the authorities to consider the same as per rules and regulations in force. If after such consideration the applicant is found to be entitled to the relief claimed by him then expeditious steps be taken within a further period of three months therefrom to grant the same to the applicant. If in the meantime the representation has already been disposed of then result thereof be communicated to the applicant within a period of two weeks.



5. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.
6. On the prayer made by Mr. Chand, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 3 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.)

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