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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK
Original Application No.260/00448 of 2015
Cuttack, this the 25th day of August, 2015

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

Dr. Bijoy Bhagat, aged about 56 years, Son of Sri Dale Bhagat, resident of Vill-Kadru, Po-Hinoo, P.S.- Doranda, Dist-Ranchi at present working as Senior Divisional Medical Officer, Bondamunda Railway Hospital, At/Po-Bondamunda, Dist-Sundargarh.

..... Applicant
(Advocates: M/s. B.K. Mohanty, R. Mohanty, A.K. Nanda, G.N. Sahu)

VERSUS

Union of India Represented through

1. Chairman,
Railway Board Rail Bhawan,
New Delhi.
2. Director General/RHS,
Railway Board Rail Bhawan,
New Delhi.
3. General Manager,
South Eastern Railway,
Garden Reach, Calcutta-43.
4. Chief Medical Superintendent,
S.E Railways,
At/Po-Pondamunda,
Dist-Sundargarh.
5. Chief Medical Superintendent,
S.E. Railways,
Chakradharpur,
At/Po-Chakradharpur,
Dist-West Singhpur (Jharkhand).
6. D.R.M. Chakradharpur,
S.E. Railways,
Chakradharpur,
At/Po-Chakradharpur,
Dist-West Singhpur (Jharkhand).

..... Respondents
(Advocate: Mr. T. Rath)

ORDER(Oral)

A.K. PATNAIK, MEMBER (J):

Heard Mr. B.K. Mohanty, Ld. Counsel appearing for the Applicant and Mr. T. Rath, Ld. Standing Counsel appearing for the Respondents-Railways on whom a copy of this O.A. has already been served and perused the materials placed on record.

[Signature]

2. The facts of the case ~~are~~ that initially the applicant was appointed to the post of Assistant Divisional Medical Officer in the year 1986. On 27.01.1995 he was promoted to the post of Divisional Medical Officer. Thereafter on completion of his service for continuous five years as Divisional Medical Officer he was promoted to Senior Divisional Medical Officer. Thereafter promoted to Senior Divisional Medical Officer (Selection Grade) on 25.06.2002. Mr. Mohanty, Ld. Counsel for the Applicant submitted that the Respondents have granted the benefits of DACP Scheme to several persons including the persons who are juniors to the applicant where as the applicant has been discriminated. Being aggrieved the applicant submitted representation dated 27.10.09 to Respondent No.2. As the representation of the applicant was unattended to by the Respondent No.2, the applicant moved Before the Patna Bench of this Tribunal in O.A. No.83/2010 which was dismissed on the ground of jurisdiction.

3. Mr. Mohanty brought to our notice that ventilating his grievance the applicant has filed representations vide Annexure-A/8 and Annexure-A/9. But till date no consideration has been made in respect of the applicants' grievance with regard to the above representations. Hence the present O.A. with the prayer to direct the Respondents to grant promotion to the applicant to the post of SAG (Senior Administrative Grade) with a further direction to the Departmental Respondents to pay the consequential monetary benefits/arrears of salary in lieu of the grant of promotion as per the DACP Scheme within a specified time frame.

4. In view of the aforesaid facts, as the representations vide Annexure-A/8 and Annexure-A/9 are still pending with the Respondent No.2, at this stage, we dispose of this O.A. by directing Respondent No.2 to consider and dispose of the said representations vide Annexure-A/8 and Annexure-A/9 and

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Dr. B. Bhagat -Vrs- UOI.

communicate the result thereof to the applicant by way of a reasoned order within a period of two months from the date of receipt of copy of this order. However, we have not expressed any opinion on the merit of the matter and the points raised by the applicant in his representation are kept open for the authorities to consider the same as per rules, regulations and law 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 from the date of such consideration to extend the benefit to the applicant. However, 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 four weeks' from the date of receipt of a copy of this order.

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

6. On the prayer made by Mr. B.K. Mohanty, Ld. Counsel for the applicant, copy of this order, along with paper books, be sent to Respondent Nos.2,4 & 6 by Speed Post at the cost of the applicant for which he undertakes to file the postal requisites by 31.08.2015.


(R.C.MISRA)
MEMBER(A)


(A.K.PATNAIK)
MEMBER(J)

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