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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 260/00466 of 2015
Cuttack, this the 31st day of July, 2015

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)

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P.S.Mrutyunjayee,
aged about 41 years,
S/o Chittaranjan Pradhan,
At – Sahadevbandhupalli, PO- Bamur,
Via Rajkishore Nagar, Dist. Angul,
At present working as TM-III
under Sr. Section Engg (P.Way),
E.Co.Railway, At- Raniguda,
Angul Railway Station, Dist. Angul.

...Applicant

(Advocates: M/s. B.S.Tripathy, M.K.Rath, J. Pati)

VERSUS

Union of India Represented through its

1. General Manager,
East Coast Railway, Rail Vihar,
At/PO-Chandrasekharapur, Bhubaneswar,
Dist-Khurda.
2. Divisional Railway Manager (P),
East Coast Railway,
Sambalpur Railway Division,
At/PO- Khetarajpur, Dist- Sambalpur.
3. Addl. Divisional Railway Manager,
East Coast Railway,
Sambalpur Railway Division,
At/PO- Khetarajpur, Dist- Sambalpur.
4. Assistant Divisional Engineer,
East Coast Railway Rairakhol,
At/PO- Rairakhol, Dist- Sambalpur.
5. Sr. Section Engineer (P.Way),
East Coast Railway, Angul,
At/PO/Dist- Angul.
6. Balabhadra Sasmal.
7. D.Gangadhar Rao.



8. Abhaya Kumar Dehury.
9. Niranjan Sahu.
10. Joginath Sahu.
11. Rabinarayan Mahakud.
12. Bijay Kumar Rout.
13. Binay Kumar Behera.
14. Dilip Kumar Das.
15. Binaya Kumar Pradhan.
16. Jogendra Kumar Biswal.
17. Bibhuti Bhusan Pradha.
18. Dinabandhu Sethy.
19. Prahallad Sethi.

(Sl. No. 6, 15 and 18 are presently working as Track Maintainer Gr. II under Jr. Engineer (P.Way), E.Co.Rly., Angul, At Railway Colony, PO Bamur, Dist. Angul.)

(Sl. No. 14 is presently as Track Maintainer Gr. II under Sr. Section engineer (P.Way), E.Co.Rly., Angul, At/PO Raniguda, Dist. Angul).

(Sl. No. 7 to 13, 16, 17 & 19 are presently working as Track Maintainer Gr. II under Jr. Engineer (P.Way), E.Co.Rly., Boinda, At Railway Colony, PO Kishoreganja, Dist. Angul.)

... Respondents

(Advocate: Mr. T.Rath)

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ORDER (ORAL)

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

Heard Mr. B.S.Tripathy, 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 praying for the following reliefs:

“(a) To pass appropriate orders directing the Respondents-authorities to fix the seniority of the applicant above his juniors (Res. Nos. 6 to 19);

(b) To pass appropriate orders promoting/redesignating the applicant as Track Maintainer Gr. I with grade pay of Rs. 2800/- as per Railway Board’s letter dtd. 4.3.2014 and to extend all the service and consequential benefits in his favour, to which he is eligible and entitled; and

(c) To pass appropriate order.....”

3. The case of the applicant is that he was appointed as Gangman (redesignated as Trackman) on 29.12.2000 and, subsequently, promoted as Sr. Trackman and Head Trackman on 01.03.2005 and as Keyman on 16.07.2009. It has been submitted that on 04.03.2014 Railway Board issued a clarification vide Annexure-A/5 that the existing Keyman and Gangmate have been redesignated as Track Maintainer Gr.I in GP Rs. 2800/- instead of existing GP of Rs. 1800/- and Rs. 1900/- and, accordingly, the applicant made a representation on 14.03.2014 (Annexure-A/6) to Respondent No.4 followed by another representation dated 20.04.2014 (Annexure-A/7) to fix his seniority above his juniors (Resp. Nos. 6 to 19) with the GP meant for Keyman/Track Maintainer Gr.I but no reply has been given to the applicant till date. His further grievance is that though he has been promoted to the post of Track Maintainer Gr. III on 14.03.2015 (Annx. A/10), his juniors (Resp. Nos. 6 to 19) have been promoted to the post of Track Maintainer Gr. II on 28.05.2015 (Annx. A/11). On the above background, the applicant has moved this Tribunal in this present O.A. with the prayers as aforesaid.




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4. Since the positive case of the applicant is that his representations are still pending with the authorities, without expressing any opinion on the merit of the case, I dispose of this O.A. at this admission stage by directing Respondent No. 4 to consider and dispose of the representation of the applicant as at Annexure-A/7, if the same has been filed 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. 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 give notional seniority to the applicant. However, the points raised by the applicant in his representation will be 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 applicant 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. No costs.

6. On the prayer made by Mr. Tripathy, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 4 by Speed Post for which he undertakes to file the postal requisites by 07.08.2015.


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