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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No.260/0071 of 2015
Cuttack, this the 11th day of February, 2015

CORAM

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

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

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Pradeep Kumar Panda,
Aged about 36 years,
Son of Subhash Chandra Panda,
Resident of Urbashi Vihar (Near Central School),
PO- Bareipali, Dist. Sambalpur, Odisha,
At present working as Chief Controller,
Sambalpur Division, E. Co. Rly.,
At/PO- Sambalpur, Odisha.

.....Applicant

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

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 (P),
Sambalpur Division, Sambalpur E. Co. Rly.,
At/PO/Dist- Sambalpur.
3. Addl. Divisional Railway Manager,
Sambalpur Division, Sambalpur E. Co. Rly.,
At/PO/Dist- Sambalpur.
4. Sr. Divisional Personnel Officer,
Sambalpur Division, Sambalpur E. Co. Rly.,
At/PO/Dist- Sambalpur.
5. Sr. Divisional Operating Manager,
Sambalpur Division, Sambalpur E. Co. Rly.,
At/PO/Dist- Sambalpur.

..... Respondents

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

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O R D E R (ORAL)

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

Heard Mr. S.Das, Learned 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. Applicant, who is at present continuing as Chief Controller in Sambalpur Division of the East Coast Railways, has filed this O.A. with the following prayers:

- “i) Admit the Original Application.
- ii) Call for the Records.
- iii) Quash the order dt. 06.08.2014, 12.11.2014 and 14.11.2014 under Annexures-6, 7 and 8 respectively.
- iv) And further pleased to declare the same as illegal and not sustainable in the ye of law.
- v) And further direct the Respondents not to disturb the applicant from the post of Chief Controller of Sambalpur Division under East Coast Railway and the applicant may be extended all such service benefits as is due and admissible to the post of Chief Controller.
- vi) And also pass any other appropriate order....”

3. The case of the applicant is that he initially joined as Goods Guard on 25.06.2003. Having been medically decategorized he was offered with alternative appointment to the post of Section Controller vide order dated 26.02.2008 and after successful training he was issued with the posting order dated 18.07.2008. After completion of three years of service as Section Controller, vide letter dated 24.11.2011 he was given promotion to the post of Chief Controller, Sambalpur in PB-2 with Grade Pay Rs. 4600/-. The grievance of the applicant is that while he was working as such, letter dated 06.08.2014 (Annexure-6) was issued to the office of the CHC Sambalpur and S.M.R. Sambalpur to spare the applicant along with two other staffs to appear before a de novo screening committee for alternative



appointment in similar grades. Raising certain objections, the applicant appeared before the Screening Committee. Thereafter, vide letter dated 12.11.2014 (Annexure-7), he was intimated as under:

“Sri Pradeep Kumar Panda, Ex Goods Guard in PB-1 with Grade Pay of Rs. 2800/- (RSRP-2008) who has been absorbed as SCR in PB-2 with G.P. Rs. 4200/- in Optd. Deptt. vide this office Memo No. Med. Decat/PKP/04/2008, Date 21.02.2008 consequent upon medical unfit has been subsequently re-screened by the duly constituted screening committee on 31.10.2014 and approved for appointment in the alternative category as ECRC in PB-1, with G.P. Rs. 2800/- in Commercial Deptt.”

Subsequently, vide letter dated 14.11.2014 (Anenxure-8), the applicant, along with others, has been directed to undergo training of Pro-ECRC. On this background of the case, applicant has filed this O.A. with the aforesaid prayers.

3. Mr. T. Rath, Ld. Standing Counsel for the Railways, submitted that after receipt of Annexure-8, the applicant has already undergone training.

4. Having heard Ld. Counsel for both the sides and after going through the available records, we find that after issuance of Annexures-6, 7 and 8, applicant without exhausting the departmental remedies, i.e. without approaching the authorities, has immediately rushed to this Tribunal for redressal of his grievance. On our query in this regard, Mr. Das, Ld. Counsel for the applicant, could not give any satisfactory reply too. Section 20 of the Administrative Tribunals Act, 1985 reads as under:

“20. Application not to be admitted unless other remedies exhausted -

(1) A Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules as to redressal of grievances.

W/O

(2) For the purposes of sub-section (1), a person shall be deemed to have availed of all the remedies available to him under the relevant service rules as to redressal of grievances, -

(a) if a final order has been made by the Government or other authority or officer or other person competent to pass such order under such rules, rejecting any appeal preferred or representation made by such person in connection with the grievance; or

(b) where no final order has been made by the Government or other authority or officer or other person competent to pass such order with regard to the appeal preferred or representation made by such person, if a period of six months from the date on which such appeal was preferred or representation was made has expired.

(3) For the purposes of sub-sections (1) and (2), any remedy available to an applicant by way of submission of a memorial to the President or to the Governor of a State or to any other functionary shall not be deemed to be one of the remedies which are available unless the applicant had elected to submit such memorial."

5. In view of the above provision of Rule, we are not inclined to entertain this O.A. at this stage being premature one. Accordingly, the O.A. stands dismissed. No costs.


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


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