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CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH, CUTTACK

O. A. No.260/00600/2015

Cuttack this the 25<sup>th</sup> day of September, 2015

**CORAM**

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

.....

Managobinda Swain aged about 54 years, S/o Mathurananda Swain, presently working under C.A.O. (Cons.), Chandrasekharpur, Bhubaneswar, District Khurda.

...Applicant

(Advocate: Mr. C.A.Rao, S.K. Behera, S.K. Parida)

**VERSUS**

1. Union of India represented through by General Manager (P), East Coast Railway, Rail Sadan, Chandrasekharpur, Bhubaneswar-17, District Khurda.
2. Chief Personnel Officer (Admn.), Rail Sadan, 2<sup>nd</sup> Floor, South Block, Chandrasekharpur -17, District Khurda.
3. Chief Administrative Officer (Con.), Personnel Department, Chandrasekharpur -17, Khurda.
4. Senior Personnel Officer (Con.), Co-ordination, Office of CAO, Personnel Department, Chandrasekharpur-17, Khurda.
5. Divisional Railway Manager (D.R.M.), East Coast Railway, Khurda Road, At/PO Jatni, District Khurda.

... Respondents

(Advocate: T. Rath)

**ORDER (Oral)**

**A.K. PATNAIK, MEMBER (J):**

Heard Mr. C.A.Rao, Ld. Sr. Counsel, assisted by Mr. S.K.Behera, 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 alleging non-incorporation of his name in the seniority list of lien Holding Division. Mr. Rao brought to my notice that alleging inaction of the authorities, applicant along with some others has filed a combined representation

*W. A. Rao*

addressed to Chief Personnel Officer, E.Co.Railway (Respondent No.2) as well as to Sr. Divisional Personnel Officers of Khurda, Sambalpur and Visakhapatnam Division. Mr. Rao submitted that a direction be issued to the appropriate authorities to consider the representation of the applicant, which has been submitted along with others, keeping in mind the provisions enumerated under RBE No. 61/2002 dated 20.06.2002 and Estt. Sl. No. 66/2002 for fixation of lien and interpolation of seniority of PCR staff along with open line staff.

3. On the other hand, Mr. T.Rath, Ld. Standing Counsel for the Railways, by drawing our attention to the different provisions of CAT Act and Rules vehemently opposed the very maintainability of this O.A. He submitted that when the applicant himself has not ventilated his grievance before the authority and no order rejecting his grievance has been issued, this O.A. is not maintainable.

4. After hearing Ld. Counsel for both the sides, I am of the considered view that the applicant has not individually approached the Division under which he is working, and no individual representation has been filed by the applicant to Sr. Divisional Personnel Officer bringing his notice the provision of RBE No. 61/2002 as well as Estt. Sl. No. 66/2002 and the letter issued by Chief Administrative Officer (Con), E.Co.Rly., Bhubaneswar to Divisional Railway Manager, E.Co. Rly., WAT,KUR & SBP on 29.04.2015. At this juncture, Mr. Rao seeks liberty of this Tribunal to ventilate applicant's grievance before his cadre controlling authority, i.e. Sr. Divisional Personnel Officer, bringing his notice the letter dated 29.04.2015 as well as provisions enumerated under RBE No. 61/2002 and

AM

Estt. Sl. No. 66/2002 within a period of two weeks from today and, accordingly, seeks to withdraw this O.A. Prayer is allowed.

5. Accordingly, this O.A. is disposed of giving liberty to the applicant to make a comprehensive representation, annexing the documents as he feels proper, to Respondent No.5, i.e. DRM(P)/Sr.DPO within a period of two weeks from today and if any such representation is preferred within two weeks from today then the said Respondent No.5 is directed to consider and dispose of the said representation and pass a reasoned and speaking order within a period of two months from the date of receipt of the representation as per the rules and regulations in force keeping in mind the applicability of the documents, which the applicant is going to annex along with his representation. Although, I have not expressed any opinion on the merit of the case, I make it clear that 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 said benefits to him.

6. With the aforesaid observation and direction this O.A. is disposed of being withdrawn. No costs.

7. Applicant is at liberty to annex a copy of this order along with his representation.

  
(A.K.PATNAIK)  
MEMBER(J)