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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No.260/00619/2015

Cuttack this the 25th day of September, 2015

CORAM

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

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Syed Md. Hasibur Rahman aged about 50 years, S/o Syed Md. Mojibur Rahman, at present working as J.E. under Deputy Chief Engineer (Con.), S.E. Railway, Ranchi, Jharkhand.

...Applicant

(Advocate: Mr. P.K.Mohapatra, S.C. Sahoo, B. Mahakud)

VERSUS

1. Union of India represented through its General Manager, East Coast Railway, Chandrasekharpur, Bhubaneswar, District Khurda.
2. Chief Personnel Officer, East Coast Railway, Chandrasekharpur, Bhubaneswar, District Khurda.
3. General Manager (P), S.E. Railway and P.C.E., S.E. Railway, G.R.C., S.E. Railway, Kolkata.
4. Divisional Railway Manager(P)/Sr. D.E.N., Ranchi Division, S.E. Railway, Ranchi, Jharkhand.
5. Chief Personnel Officer, S.E. Railway, Garden Reach, Kolkata.
6. D.R.M., Sambalpur Division, East Coast Railway, Sambalpur, At/P.O./Dist. Sambalpur.

... Respondents

(Advocate: T. Rath)

ORDER(Oral)

A.K. PATNAIK, MEMBER (J):

Heard Mr. P.K. Mohapatra, 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.

2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunal Act, 1985 challenging the action of the Respondents in not allowing him to appear the selection for Group-B post against 30% LDC quota which was scheduled to be held on 12.09.2015.

Being aggrieved by the action on the part of the Respondents depriving the applicant to appear the said selection process and regularization of his



services, the applicant submitted representation vide Annexure-A/8 before the Respondent No.1. The same is stated to be still pending consideration. Hence the applicant has filed the present O.A. with a prayer for a direction to the Respondents to consider his case for grant of similar benefits of promotion under the East Coast Railway, as has been given to his juniors being a lien holder of SBP Div., E.Co. R. and thereby empanel his name in the Group-B/Engg. Panel of AEN against 30% LDCE quota vacancies along with his juniors and allow him to participate in the selection test along with others and further the fixation of written test pursuant to the Letter dated 11.08.2015 under Annexure-A/7 may be quashed as it is illegal and violative of principles of natural justice.

3. I find that appealing his grievance the applicant has approached before the Respondent No.1 by making representation vide Annexure-A/8, and, as the date to appear the selection process has already elapsed, I do not feel it proper to keep the matter pending. Accordingly, I dispose of this O.A. by directing Respondent No.1 that if the representation preferred by the applicant vide Annexure-A/8 is still pending for consideration, Respondent No.1 is hereby directed to consider and dispose of the same as per Rules and communicate the result thereof to the applicant by way of a reasoned order within a period of sixty days from the date of receipt of copy of this order. I hope and trust that the said Respondente No.1 will consider all the points raised in the representations as per rule. However, I am not expressing any opinion on the merit of the matter and the points raised by the applicant in his representation is 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 said 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.

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

5. On the prayer made by Mr. Mohapatra, Ld. Counsel for the applicants, copy of this order, along with paper books, be sent to Respondent No. 1 by Speed Post at the cost of the applicant for which he undertakes to file the postal requisites by 30.09.2015.


(A.K.PATNAIK)
MEMBER(J)

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