

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.260/00953 of 2015
Cuttack this the 13th day of January, 2016

CORAM:

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

Bishnu Prasad Patalsingh
Aged about 33 years
S/o. Sri B.K.Patalsingh
At-Naranakheta, PO-Kanti, Dist-Puri

...App-
licant

By the Advocate(s)-M/s. D.P.Dhalasamant
N.M.Rout
Arindam

-VERSUS-

Union of India represented through:

1. The General Manager
East Coast Railways
Rail Sadan
Chandrasekharpur
Bhubaneswar
Dist-Khurda
2. Chief Personnel Officer
East Coast Railways
Rail Sadan
Chandrasekharpur
Bhubaneswar
Dist-Khordha
3. Divisional Railway Manager
E.Co.Railway
Khurda Road
PO-Jatni
Dist-Khordha
4. Senior Divisional Personnel Officer
E.Co.Railway
Khordha Road
PO-Jatni
Dist-Khordha

...Respondents

By the Advocate(s)-Mr.T.Rath

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ORDER(Oral)

A.K.PATNAIK, MEMBER(I):

In this Original Application, applicant has prayed for direction to be issued to respondent-railways to appoint him in Gr.D/Gangman forthwith in pursuance to E.N.No.1/98.

2. Facts of the matter in brief are that applicant was a candidate selected for the post of Gangman/Gr.D pursuant to Employment Notification No.1/98. He was not issued with the offer of appointment on the ground that after verification of documents, it could be noticed that his LTI did not match with the LTI put on the written test of attendance sheet. Ultimately, FIR was lodged against the applicant and three others. While the matter stood thus, applicant along with one Sarat Kumar Sahoo moved this Tribunal in O.A.No.274/2009. This Tribunal, vide order dated 14.3.2012 disposed of the said O.A. in the following terms.

"We are confronted with a peculiar situation in the resolution of the dispute raised in the present Original Application. Ordinarily, this Tribunal would have been bound to reiterate the order dated 16th March, 2009 in O.A.No.21 of 2006 particularly referring to the following'...and all other similarly situated case(whose candidature has been rejected due to discrepancy of signature, LTI etc.) to the GEQD/Hand Writing Experts...' (We learnt during hearing that this order has not yet been reversed by any higher forum). But we refrain from doing so as there is a conflicting finding by the State Finger Print Bureau, Orissa, Bhubaneswar in the GR Case filed by the Respondents alleging impersonation by the applicants. Apparently, this finding contradicts the findings of the CFPI of the E.Co.Railway, Khurda Road Division. Because of this development, we are hamstrung in giving any

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decision on the matter except directing the Railway-Respondents to take action as per our order dated 16th March, 2009 in O.A.No.21 of 2006 referred to above, depending on the final outcome of the GR Case".

3. Now it is submitted that on 29.7.2015, the charge sheet in GR Case No.621/2009 has been filed by eliminating the names of the applicant and another and accordingly, there is no GR case pending against the applicant. Mr.Dhalasamant submitted that in compliance of the orders of this Tribunal in O.A.No.274/2009, applicant has submitted a representation dated 14.9.2015 (A/4) followed by another representation dated 7.12.2016 (A/5) to the authorities in the Railways and as the same having not yielded any fruitful result, he has moved this Tribunal in this O.A. seeking relief as referred to above.

4. We have heard Mr.D.P.Dhalasamant, learned counsel for the applicant and Mr.T.Rath, learned Standing Counsel for the Railways and perused the materials on record on the question of admission. Since there exists an order of this Tribunal in O.A.No.274/2009 to be implemented by the authorities in the Railways depending on the outcome of the GR Case and as according to applicant, his name has been eliminated from the GR Case against which cognizance has already been taken by the Court of JMFC(O), Bhubaneswar of the offenders other than the applicant, in our considered view, this matter could be disposed of at this stage, without issuing any notice on admission. In view of this, we direct Res.No.1, i.e., General Manager, E.Co.Railways, to consider and dispose of representations of the applicant as aforesaid in the light of the orders of this Tribunal in O.A.No.274/2009 and pass appropriate

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orders within a period of forty-five days from the date of receipt of this order.

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

6. On the prayer made by the learned counsel, copy of this order along with paper book of O.A. be sent to res.nos. 1,2 and 4 at the cost of the applicant for which Mr.D.P.Dhalasamant undertakes to file the postal requisites by 15.1.2016. Free copy of this order be made over to learned counsel for both the sides.


(R.C.MISRA)
MEMBER(A)


(A.K.PATNAIK)
MEMBER(J)