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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 260/0002 of 2016
Cuttack, this the 20th day of January, 2016

CORAM

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

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Paresh Chandra Jena,
aged about 54 years,
S/o Late Dibakar Jena,
Presently working as Superintendent,
Operation Department, CPP- NALCO,
Angul, Odisha.

...Applicant

(Advocates: M/s. N.K.Misra, N.K.Misra, A.K.Roy, A.Misra, P.Das, S.Pradhan)

VERSUS

1. Executive Director,
NALCO Smelter & Power Complex,
Nalconagar, PO/PS/Dist- Angul.
2. Director (HR),
NALCO Corporate Office,
Nayapalli, Bhubaneswar.
3. Factory Manager & General Manager (CPP),
CPP, NALCO, PO/PS/Dist- Angul.
4. Asst. General Manager (HRD),
NALCO Corporate Office,
Nayapalli, Bhubaneswar.

... Respondents

(Advocate: M/s. M.K.Mishra, D.K.Patnaik)

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ORDER (ORAL)

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

Heard Mr. N.K.Mishra, Ld. Counsel for the Applicant, and Mr. M.K.Mishra, Ld. Sr. Counsel, assisted by Mr. D.K.Patnaik, Ld. Counsel appearing for the Respondents-NALCO, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

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2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 praying for the following reliefs:

“(i) Admit the O.A. and issue notice to the Respondents.

(ii) After hearing the parties, allow the O.A. by quashing Annexure-4 as being illegal and erroneous;

(iii) To direct the Respondent-authorities to consider the applicant's case expeditiously for release of all arrear as well as consequential service benefits.

(iv) To pass any other order.....”

3. Mr. N.K.Misra, Ld. Counsel for the applicant, submitted that the applicant has filed this O.A. being aggrieved against the inaction of the respondents in considering his appeal/representation dated 22.12.2015 (Annexure-5) filed before Respondent No.3. It has been submitted that vide order dated 11.12.2015, the applicant has been transferred out of the Factory illegally.

4. Mr. M.K.Mishra, Ld. Sr. Counsel appearing for the NALCO, submitted that though the representation has been preferred by the applicant before Respondent No.3 but Respondent No.2 is the competent authority to deal the same.

5. Since the representation of the applicant is stated to be pending with the Respondent No.3, we do not think it proper to keep this matter pending. Accordingly, without going into the merit of this case, we dispose of this O.A. at this admission stage with direction to Respondent No. 3 to consider the representation, if at all preferred and is pending with him, and communicate the result thereof to the applicant in a well reasoned order within a period of one month from the date of receipt of a copy of this order. However, the points

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raised by the applicant in his representation are kept open for the authorities to consider the same as per rules governing the field. It is further made clear that status quo in so far as the relieve of the applicant is concerned will be maintained till 01.03.2016. 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 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. N.K.Mishra, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 3 by Speed Post for which he undertakes to file the postal requisites by 25.01.2016. Mr. Mishra is at liberty to file a certified copy of this order before the authorities.



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



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

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