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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

Original Application No. 260/00048 of 2016
Cuttack, this the 3rd day of February, 2016

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

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A. Gangadhar,
aged about 43 years,
S/o- Late A. Thavudu,
At- Mahadeipur, PO/PS- Gurandi,
Presently working as JE (TRS), Khurda
In the office of Sr. Divisional Electrical Engineer (Operation)
Khurda Raod, PO/PS- Jatni, Dist. Khurda.

...Applicant

(Advocates: M/s. B.Dash, C.Mohanta, S.N.Mishra)

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Union of India represented through its

1. General Manager,
E.Co.Rly, Rail Vihar,
Chandrasekharpur, Bhubaneswar,
Dist. Khurda.
2. Divisional Railway Manager (P),
E.Co.Rly, Khurda Road Division,
At/PO- Jatni, Dist. Khurda.
3. Sr. Divisional Electrical Engineer (Operations) Khurda,
E.Co.Rly, At/PO- Jatni, Dist. Khurda.
4. Sri Sushanta Chattopadhyay,
S/o- Mritunjoy Chattopadhyay,
presently working as JE under SSE (TRS) Bhubaneswar,
E.Co.Rly, Dist. Khurda.
5. Sri Bharat Bhusan Mishra,
S/o- Sashi Bhusan Mishra,
presently working as JE under ADEE (OP) Talcher,
E.Co.Rly, Dist. Angul.
6. Sri Chepurupalli Kannababu,
S/o- Ch. Ramakrishna,
Earlier posted at Puri under SSE/TRS, Puri, E.Co.Rly
And now has gone on mutual transfer as JE,
under Sr. D.E.E. (TRS) Electric Loco shed, Visakhapatnam.

..... Respondents

(Advocate: Mr. T.Rath)

O R D E R (ORAL)

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

Heard Mr. B.Dash, Ld. Counsel for the Applicant, and Mr. T.Rath, Ld. Standing Counsel appearing for the Railways, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. The case of the applicant in this O.A. is that because of the arbitrary action of the Respondents, the Statutory Rules for filling up the vacancies of JE-II has been violated as a result of which the applicant has been treated junior to three candidates who came to be appointed as JE-II having been selected by the Railway Recruitment Board as against the post which is meant for 25% quota available for LDCE (IAQ-25%). The Recruitment Rules prescribes that 50% of the post are to be filled up from open market through RRB, 25% by way of LDCE (25% IAQ from amongst serving employees) and the rest 25% by departmental promotion by selection. Since the posts available to be filled up by LDCE have been filled up by taking candidates from RRB, the statutory mode of selection has been violated and the applicant who was entitled to be appointed as JE-II in the year 2012 has now been appointed as JE-II in the month of December 2013 rendering him to become junior to the candidates who came from Railway Recruitment Board. Assailing the aforesaid inaction, the applicant has filed the present O.A.

3. Mr. Dash submitted that though the applicant objected to the seniority listed published on 01.01.2013 but he did not get any response from the said authorities and, accordingly, by making a representation on 30.11.2015 he prayed to supply the seniority list, which was supplied to him only in December, 2015.

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4. On the other hand, Mr. Rath brought to our notice that the seniority list was published on 01.01.2013 with the note that it should be given wide publicity amongst the staff concerned and that any objection with regard to the seniority list should be intimated to the office within 30 days from the date of publication otherwise this will be treated as final. Mr. Rath further brought to our notice that the copy of this seniority list was forwarded for information and necessary action to all the staff concerned, which includes the applicant, who did not object to the same till December, 2015.

5. Taking into account the submissions made by the Ld. Counsels for both the sides and after perusal of the records, we find that the applicant after receipt of certain information made representation on 03.12.2015 addressed to Sr. Divisional Personnel Officer, E.Co.Rly. (Respondent No.2). Accordingly, without going into the merit of the matter, we dispose of this O.A. at this admission stage with direction to the Respondent No.2 to dispose of the said representation, if the same has been preferred on 03.12.2015 and is still pending consideration, and pass a reasoned and speaking order and communicate the same to the applicant within a period of two months from the date of receipt of a copy of this order. Though, we have not gone into the merit of the matter, all the points raised by the applicant in his representation are kept open for the Respondent No.2 to consider the same as per the rules and regulations in force. If after such consideration the applicant is found to be entitled to the benefit/his objection is found to be genuine then expeditious steps be taken within a further period of three months to rectify those mistakes.

However, as undisputedly the representation/objection has been made at a very

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belated stage, we have not expressed any opinion on the point of condonation of delay.

6. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

7. On the prayer made by Mr. Dash, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 2 by Speed Post for which he undertakes to file the postal requisites by 05.02.2016.


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


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

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