

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

Original Application No. 260/00118 of 2016
Cuttack, this the 4th day of March, 2016

**CORAM
HON'BLE SHRI A.K. PATNAIK, MEMBER (JUDL.)**

Prabin Kumar Mohapatra,
aged about 41 years,
S/o Antaryami Mohapatra,
At present working as Traction Loco Controller
under Chief Electrical Engineer, E.Co.Rly.,
E.Co.R. Sadan, Chandrasekharpur, Bhubaneswar,
at present resident of Q.No.: Type-III G-21/16,
Mancheswar Railway Colony, Dist-Khurda, Odisha.

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...Applicant
(Advocates: M/s. N.R.Routray, S.Sarkar, U.K.Bhatt, Smt. J.Pradhan,
T.K.Choudhury S.K.Mohanty)

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Union of India Represented through its

1. General Manager,
East Coast Railway, E.Co.R. Sadan,
Chandrasekharpur, Bhubaneswar,
Dist-Khurda.
2. Chief Personnel Officer,
East Coast Railway, E.Co.R. Sadan,
Chandrasekharpur, Bhubaneswar,
Dist-Khurda.
3. Senior Divisional Personnel Officer,
East Coast Railway,
Khurda Road Division,
At/PO- Jatni, Dist- Khurda.
4. Senior Divisional Electrical Engineer(OP)
East Coast Railway,
Khurda Road Division,
At/PO- Jatni, Dist- Khurda.
5. Chief Electrical Engineer,
East Coast Railway, E.Co.R. Sadan,
Chandrasekharpur, Bhubaneswar,
Dist-Khurda.

(Advocate: Mr. T.Rath)

... Respondents

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

Heard Mr. N.R.Routray, 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. Mr. Routray submitted that on 21.02.2008 though other four persons, who were recommended along with the applicant, were permanently absorbed in the E.Co.Railway Headquarter vide Annexure-A/8, the seniority list published subsequently shows applicant at Sl. No. 265. On 12.05.2015 some of the juniors to the applicant, viz. S.C.Giri, G.P.Parida and P.K.Roul, were promoted to the post of CLI but the case of the applicant received no consideration. Ventilating his grievance, the applicant submitted an application for consideration of his case for permanent absorption in the East Coast Railways vide representation dated 29.02.2016. Again, the applicant on 01.03.2016 sent a hard copy of the representation to Chief Office Superintendent, who has not been arrayed as party Respondent, under Annexure-A/10. Mr. Routray brought to our notice the order dated 02.04.2003 to prove that the applicant has already been working in the deputation post since 2003 and almost after taking his service for more than 13 years, the Respondent-authorities have decided to repatriate him, which is clearly evident from the order dated 29.02.2016 and, by this act, the applicant has been discriminated as other persons, who had opted, have already been absorbed subsequently. Mr. Routray further submitted that on 01.03.2016 the applicant could be able to get order of repatriation dated 29.02.2016 and, therefore, has filed a representation to Respondent No.2 and the copy of the same has been

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forwarded to Respondent No.5 with a prayer not to effect the order of repatriation dated 29.02.2016. However, apprehending any coercive action, the applicant has filed this O.A. on 02.03.2016.

3. On the other hand, Mr. Rath strongly objected to the very maintainability of the O.A. by pointing out that order dated 29.02.2016 under Annexure-A/11 though has been marked to the staff concerned but the applicant has not received the same and the Annexure-11 makes it clear that the copy marked to DRM (P), Khurda has been annexed and by annexing such a document the applicant cannot be said to have come to the Court with a clean hand. Mr. Rath further submitted that applicant has deliberately avoided the receiving of copy of his repatriation order as because the date he receives the copy of the order, from that date he will stand repatriated to his parent department.

4. After taking into consideration the submission made by the Ld. Counsels for both the sides, as I find that the applicant has made a representation to Chief Personnel Officer (Respondent No.2) on 29.02.2016, in my considered view, unless the said representation is considered and a final view is taken, applicant should be allowed to continue and, therefore, without going into the merit of the matter, I direct the Chief Personnel Officer (Respondent No.2) to consider the representation so preferred by the applicant on 29.02.2016, if at all made and 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. I make it clear that till 30.04.2016 status quo as on date so far as continuance of the applicant is concerned will be maintained.



5. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.
6. On the prayer made by Mr. Routray, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent Nos. 2, 3 and 5 by Speed Post for which he undertakes to file the postal requisites in course of the day. Free copy of this order be made over to Ld. Counsels for both the sides.



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

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