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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/133 OF 2016
Cuttack, this the 16th day of March, 2016

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

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1. Aruna Chandra Mallik, aged about 44 years, S/o Dhaneswar Mallik, At-Srirampur, P.O.- Anikana, P.S.-Bari, Dist- Jajpur, now SSE (P-Way), Rambha at Solary (Station) working as T.M. -III.
2. Devi Prasad Sarangi, aged 32 years, S/o Niranjan Sarangi, At/Po- Kusipal, PS/ Dist- Kendrapara, at present SSE(P-Way), Barang as TM-IV.
3. Binod Behari Sahoo , aged 42 years, S/o of Kailash Chandra Sahoo, At/Po- Chhanapadi, PS- Begunia, Dist- Khurda at present SSE(P-Way), Khurda-TM-IV.

.....Applicants

By the Advocate(s)-M/s. A.K. Mohanty, R.K. Behera, R.C. Pradhan

-Versus-

Union of India represented through:

1. General Manager, East Coast Railway, Rail Sadan, Chandrasekharpur, Bhubaneswar, Dist- Khurda.
2. R.R.C represented through Chief Personnel Officer, East Coast Railway, Bhubaneswar, Dist-Khurda.
3. Divisional Railway Manager(Pers.)/KUR, Khurda, At/Po/Dist- Khurda.
4. Manas Pradhan S/o Bidyadhar Pradhan T.M. SSE/P-Way, Civil Engineering Department, Khurda Division, Khurda, Dist-Khurda.
5. Subrat Kumar Behura, S/o Siba Prasad Behura, T.M. SSE, P-Way, in Civil Engineering Department in Khurda Division, Dist- Khurda.
6. Prabir Kumar Mallick S/o Prafulla Kumar Mallick, SSE (P-Way), T.M. in the Civil Engineering Department, Khurda Division, Khurda, At/Po/Dist-Khurda.

Respondents.

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

ORDER (oral)

A. K. PATNAIK, MEMBER (J):

Heard Mr. A.K. Mohanty, 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.

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

“(i) The O.A. be allowed.
(ii) The list prepared under Annexure-4 series be quashed and or in the alternative the respondent Nos.1 to 3 be directed to make a fresh scrutiny of candidates strictly as per Annexure-1, fresh examination for GDCE be held, fresh recruits/temporary/provisionally recruited employees be ousted from the Zone of consideration.”

3. Mr. Mohanty, Ld. Counsel for the applicant submitted that the Respondent Nos.1 to 3 have allowed the temporary/provisionally appointed employees to appear in the GDCE examination although the advertisement for the said examination was notified for regular (Permanent) employees. Further respondents have set up parallel questions in the examination as a result the candidates who appeared in the subsequent date of examination could secure more marks. Hence, Mr. Mohanty, prayed for a direction to the Respondents for consideration of the case of the applicants for the said post. During the course of hearing for admission, as an interim relief, Mr. Mohanty prayed that any promotion should be the subject to the consideration of the representation.

4. We find that no representation has been filed by the applicants and they have moved this Tribunal without exhausting the departmental remedy for which the O.A. is hit by Section 20 of the AT, Act. When pointed out as to why applicants have not made representation to the competent authority, Mr. Mohanty prayed leave of this Tribunal for filing of representation to put up their grievance before the competent authority. In our considered view, this case should not be entertained by the C.A.T., however, after the submission of Mr. Mohanty, we grant liberty to the applicants to file proper representation before the competent authority i.e.



Respondent No.2 ventilating their grievance within a period of three days from today and in case such a representation is filed, respondent shall consider the same and pass a reasoned and speaking order within a period of one month from the date of receipt of such representation as per Rule.

5. However, we make it clear that any further action in pursuance to the list at Annexure-A/4 will be subject to the result of consideration of the representation if preferred by the applicant within three days from today. However, if any such representation is preferred after 18.03.2016 then this order will not have any binding effect upon the Respondents.

6. As prayed by Mr. Mohanty, applicants are at liberty to enclose a copy of this order along with their representation that they would file before the respondent.

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

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)

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