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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00160 OF 2016
Cuttack, this the 29th day of March, 2016

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

V. Sreerama Murthy, aged about 43 years, Son of V. Kamaraju, at present working as Junior Engineer(Works), O/O Deputy Chief Engineer/Con.-III, Visakhapatnam, resident of Door No. 9-42-26, Balaji Nagar, Siripuram, Visakhapatnam-530003, Andhrapradesh.

.....Applicant

By the Advocate(s)-M/s. N.R. Routray, S. Sarkar, U. Bhatta, Smt. J. Pradhan, T.K. Choudhury and S.K. Mohanty.

-Versus-

1. Union of India, represented through General Manager, East Coast Railway, E.Co.R Sadan, Chandrasekharpur, Bhubaneswar, Dist-Khurda, Odisha-751017.
2. Chief Personnel Officer, East Coast Railway, Rail Sadan, Chandrasekharpur, Bhubaneswar, Dist-khurda, Odisha-751017.
3. Principal Chief Engineer, East Coast Railway, Rail Sadan, Chandrasekharpur, Bhubaneswar, Dist-Khurda, Odisha-751017 .
4. Secretary Railway Board, Rail Bhawan, New Delhi-110001.

Respondents.

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

ORDER (ORAL)

A.K.PATNAIK, MEMBER (J):

Heard Mr. N.R. Routray, Ld. Counsel appearing for the applicant and Mr. T. Rath, Ld. Standing Counsel appearing for the Respondents-Railways whom a copy of this O.A. has already been served and perused the materials placed on record.

2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 with the following prayer:-

“(i) To quash the result of written test of applicant published vide order dated 16.11.2015 and order of rejection dated 02.12.2015 under Annexure-A/3 & A/4 respectively.

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- (ii) To direct the respondents to properly value Answer No.2 of Part-B entirely and award full mark for the wrong question i.e., 3 (iv) of Part-B.
- (iii) To direct the respondents to declare the applicant success in the written test and promote him to the post of AEN/Group-B with all consequential and service benefits."

3. Mr. Routray, Ld. Counsel for the applicant submitted that due to non-consideration of the case of the applicant for the aforesaid relief as claimed by him, the applicant submitted representations dated 28.12.2015 (Annexure-A/8) followed by another representation dated 15.02.2016(Annexure-A/9) to Respondent No.1. It has further been submitted that till date no response has been received by the applicant on his representations. Hence, the applicant has filed this O.A. with the prayer as aforesaid.

4. Since the representations submitted by the applicant are stated to be pending, without entering into the merit of this case, we dispose of this O.A at the stage of admission by directing Respondent No.1 to consider the representations dated 28.12.2015 (Annexure-A/8) followed by another representation dated 15.02.2016(Annexure-A/9) if the same are still pending, as per the extant Rule and regulation and communicate the result thereof to the applicant by way of a reasoned/speaking order within a period of 02 (two) months from the date of receipt of copy of this order. If, after such consideration it is found that the applicant is entitled to the relief claimed by him then the same may be extended to him within a further period of 03 (three) months from such consideration. Though we have not expressed any opinion on the merit of the matter, we make it clear that all the points raised in the representations will be kept open for the Respondents to consider the same



as per rules, regulations and law in force. However, it is made clear that if in the meantime the said representations have already been disposed of then the result of the same 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, the O.A. is disposed of at the stage of admission itself. No costs.

6. On the prayer made by Mr. N.R. Routray, Ld. Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No.1 by Speed Post for which Mr. Routray undertakes to file the postal requisites by 30.03.2016.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER(J)

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