

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00175 OF 2016
Cuttack, this the 27th day of April, 2016

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

Balaram Behera,
aged about 39 years,
Son of Janardan Behera,
At- Gajapatinagar-2,
PO-Palur, PS- Humma,
Dist. Ganjam(Odisha).

.....Applicant

By the Advocate(s)-M/s. G. Rout, R.N. Behera, R.K. Dash, T.K. Swain.

-Versus-

Union of India, represented through

1. General Manager,
East Coast Railway,
Bhubaneswar, Rail Bhawan,
Bhubaneswar, Dist- Khurda.
2. D.R.M. Khurda,
East Coast Railway,
Khurda Road Division,
At/PO/PS. Jatni, Dist-Khurda.
3. Chief Personnel Officer,
East Coast Railway,
Rail Vihar, Chandrasekharapur,
Bhubaneswar-23, Dist- Khurda.
4. Sr. Divisional Personnel Officer,
East Coast Railway,
Khurda Road Division,
At/PO/PS. Jatni, Khurda.
5. Sr. Sec. Engineer (P. Way)
East Coast Railway,
Baranga, At/PO-Baranga,
Dist- Cuttack.

.....Respondents

By the Advocate(s)- T.Rath



ORDER (ORAL)

A.K.PATNAIK, MEMBER (J):

Heard Mr. G.Rout, 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. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:

- i) The Respondents be directed to consider the representation by allowing the applicant to join in his post by regularizing the irregularities happened in his service due to his higher study coupled with prolonged illness, within a stipulated time;
- ii) To pass any other order(s) as this Hon'ble Tribunal deems fit and proper in considering the facts and circumstances of the original application.

3. The short facts of the case of the applicant are that he was selected and appointed for the post of Supervisor (P.Way) in the East Coast Railways on 27.01.2005. He completed his field training on 04.07.2006. On intimation/offer to take admission in M.Sc. course in IIT, Kharagpur, he sought permission from the Railway authorities for study leave for two years. However, he was not responded to and, in the meantime, he took admission in M.Sc. course in IIT, Kharagpur and went for his higher study, which was completed during July, 2008. Thereafter, the applicant fell ill and could not join his duty. After recovery, he made representation on 28.06.2014 and 16.10.2014 but did not get any response. Finally, he made representation to D.R.M., Khurda Road (Respondent No.2) on 07.04.2015 under Annexure-11 and having received no response, he moved before this Tribunal.

4. Mr. T.Rath, Ld. Standing Counsel for the Railways, at the outset, vehemently opposed the very maintainability of this O.A. He submitted that the



O.A. is hopelessly barred by limitation as the applicant had completed his M.Sc. in the year 2008 and preferred first representation before the Divisional Personnel Officer, E.Co.Rly. on 28.06.2014.

5. Since the representation of the applicant dated 07.04.2015 is stated to be pending with the Respondent No.2, without going into the merit of the matter, we dispose of this O.A. with direction to the Respondent No.2 to dispose of the said representation, if the same is still pending, and pass a reasoned and speaking order within a period of two months. As we have not gone into the merit of the matter, we are also not expressing any opinion on the delay part, and all the points raised by the applicant in his representation are kept open for the Respondent No.2 to consider the same as per rules and regulations. If after such consideration the applicant is found to be entitled to the relief claimed by him then expeditious steps be taken within a further period of three months to extend the same to the applicant. If in the meantime the said representation has already been considered and disposed of then the result thereof be communicated to the applicant within a period of two weeks.

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

6. On the prayer made by Mr. Rout, 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 29.04.2016.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER (J)