

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00178 OF 2016
Cuttack, this the 31st day of March, 2016

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

Surisetti Kusuma, aged about 24 years, Daughter of Surisetti Satyanarayana, Permanent resident of Door No. 12-19, Krishna Nagar, Ward-69, PO: R.R. Venkatapuram, Visakhapatnam, Pin-530029, at present C/O.- K.V.T. Rao, Qr. No. G-92/3, Sector-6 P.O.- Railway Colony, Mancheswar, Bhubaneswar-17, Dist.- Khurda.

.....Applicant

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

-Versus-

Union of India, represented through

1. The General Manager, East Coast Railway, E.Co.R Sadan, Chandrasekharpur, Bhubaneswar, Dist-Khurda.
2. Chief Workshop Manager, Carriage Repair Workshop, E.Co.Rly., Mancheswar, Bhubaneswar, Dist.-Khurda.
3. Workshop Personnel Officer, Carriage Repair Workshop, East Coast Railway, Mancheswar, Bhubaneswar-17, Dist-Khurda.

.....Respondents

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

O R D E R (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 rejection order dated 14/15.03.2016 under Annexure-A/6;

Alles

(ii) To direct the Respondents to engage the applicant as Act. Apprentice in the trade of Carpenter under OBC quota for the year 2015-2016.”

3. Mr. Rath, Ld. Standing Counsel for the Railways has vehemently opposed the vary maintainability of the O.A.

4. 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 her, the applicant submitted representation dated 03.03.2016 to Respondent No.2. The Respondent No.2 vide its order dated 14/15.03.2016 disposed of the said representation by rejecting the claim of the applicant on the ground that “due to lack of ITI Certificate the application has been rejected”. Mr. Routray further submitted that after the order passed by Respondent No.2 the applicant submitted an exhaustive representation dated 13.03.2016 (Annexure-A/5) before the Respondent No.2. It has further been submitted that till date no response has been received by the applicant on his pending representation dated 13.03.2016 (Annexure-A/5). Hence, the applicant has filed this O.A. with the prayer as aforesaid. Mr. Routray further submitted that the grievance of the applicant is likely to be redressed if a direction be issued to Respondent No.2 to consider the pending representation dated 13.03.2016 (Annexure-A/5).

5. However, in view of the order dated 22.03.2016 passed by the Hon'ble High Court of Orissa in W.P.(C) No.5175 of 2016 we are duty bound to go through the merit of the O.A. Since the representations submitted by the applicant is 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.2 to consider the pending representation dated 13.03.2016



(Annexure-A/5). if the same is 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 01 (one) month 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 her then the same may be extended to her within a further period of 01²(two) 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.

6. With the aforesaid observation and direction, the O.A. is disposed of at the stage of admission itself. No costs.

7. 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 Nos.2 & 3 by Speed Post for which Mr. Routray undertakes to file the postal requisites by 04.04.2016.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER(J)