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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No.260/00134 of 2015
Cuttack, this the 19th day of March, 2015

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

.....
Sushanta Kumar Sahoo,
Aged about 49 years,
Son of Iswar Chandra Sahoo,
Permanent resident of
Vill/PO/PS- Kujanga, Dist- Jagatsinghpur,
working as Sr. Section Engineer (P Way) (Special)
E.Co.Rly., Anugul.

.....Applicant

Advocate(s)... M/s. S.Rath, B.K.Nayak-3, D.K.Mohanty.

VERSUS

Union of India represented through

1. The General Manager,
East Coast Railway, Chandrasekharpur,
Rail Vihar, Bhubaneswar,
Dist-Khurda.
2. Divisional Railways Manager (Engineering),
East Coast Railway, Sambalpur.
3. Sr. Divisional Personnel Officer,
East Coast Railway, Khurda Road Division,
Jatni, Dist. Khurda.
4. Sr. Divisional Engineer (Coordination),
East Coast Railways, Sambalpur.
5. Pankaj Kumar Nagwani,
Assistant Divisional Engineer,
East Coast Railway, Rairakhol.

..... Respondents

Advocate(s)..... Mr. T. Rath

.....
Mr. T. Rath

O R D E R (ORAL)

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

Heard Mr. G.Rath, Ld. Sr. Counsel, assisted by Mr. D.K.Mohanty, Learned 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. Applicant, who is presently working as Senior Section Engineer (P. Way) (Special), E.Co.Rly, Anugul, has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985 seeking direction to the Respondents to discharge his duty and to release the arrear and current salary. His case is that he was held secondary responsible by the SAG Grade Committee for derailment of Ajmer Puri Express on 27.04.2014. However, the GM, E.Co.Rly held him primary responsible, accordingly, Memorandum of Change under Rule 9 of Railway Servants (Discipline and Appeal) Rules 1968 was issued, to which the applicant submitted his reply. His reply was rejected and the IO concluded the proceeding ex parte and submitted its report dated 01.10.2014. Applicant's prayer for 10 days time to submit his reply having been rejected, he filed O.A. No. 260/00783 of 2014 before this Tribunal, in which the Tribunal directed the authorities to proceed with the inquiry but not to pass any final order without the leave of the Tribunal. The grievance of the applicant is that although he joined his duties on 15.11.2014 and he was allowed to sign ^{the} and attendance register from 15.11.2014 to 19.11.2014, subsequently, without any order he is not being allowed to sign the attendance register. Mr. G. Rath, Ld. Sr. Counsel, submitted that ventilating his grievance, applicant made representation to the Sr. Divisional Engineer, Co-ordination, (Respondent No.4) on 27.11.2014 but till date no reply has been received by him.

[Signature]

3. Taking into account the submission made by Mr. G.Rath, Ld. Sr. Counsel for the applicant, without expressing any opinion on the merit of the case, we dispose of this O.A. at this admission stage by directing Respondent No. 4 to consider and dispose of the representation, if the same has been filed and is still pending consideration, with a well reasoned order and communicate the same to the applicant within a period of four weeks from the date of receipt of a copy of this order. However, if in the meantime the said representation has already been disposed of then the result thereof be communicated to the applicant within a period of two weeks.

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

5. As prayed for by Mr. Mohanty, Ld. Counsel for the applicant, copy of this order, along with the paper book, be transmitted to Respondent No. 4 by Speed Post at the cost of the applicant, for which he undertakes to furnish the postal requisites by 23.03.2015.


(R.C.MISRA)
MEMBER(Admn.)


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

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