

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 260/00209 of 2016
Cuttack, this the 12th day of April, 2016

CORAM
HON'BLE SHRI A.K. PATNAIK, MEMBER (JUDL.)

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1. Jayaram Sial,
aged about 41 years,
S/o Sri Chindamani Sial,
At present working as Senior Goods Guard, under SMR,
Sambalpur, Sambalpur Division, East Coast Railways,
At/PO- Sambalpur, Odisha.
2. Khitish Kumar Tripathy,
aged about 39 years,
S/o Sachidananda Tripathy,
At present working as Senior Goods Guard, under SMR,
Sambalpur, Sambalpur Division, East Coast Railways,
At/PO- Sambalpur, Odisha.
3. Gourahari Nayak,
aged about 41 years,
S/o Sri Bidyadhar Nayak,
At present working as Senior Goods Guard, under SMR,
Sambalpur, Sambalpur Division, East Coast Railways,
At/PO- Sambalpur, Odisha.
4. Bichitra Kumar Das,
aged about 39 years,
S/o Bidyadhar Das,
At present working as Senior Goods Guard, under SMR,
Sambalpur, Sambalpur Division, East Coast Railways,
At/PO- Sambalpur, Odisha.
5. Saroj Kumar Nayak,
aged about 40 years,
S/o Sri Biswanath Nayak,
At present working as Senior Goods Guard, under SMR,
Sambalpur, Sambalpur Division, East Coast Railways,
At/PO- Sambalpur, Odisha.
6. Rama Chandra Tudu,
aged about 48 years,
S/o Late Durga Charan Tudu,
At present working as Senior Goods Guard, under SMR,
Sambalpur, Sambalpur Division, East Coast Railways,
At/PO- Sambalpur, Odisha.

(All are C/o SMR Sambalpur, At, Khetraipur Railway Station, PO
Modipara, Sambalpur, Dist. Sambalpur, Odisha-768002.)

...Applicants

(Advocates: M/s. S. Das, K. Mohanty)



VERSUS

Union of India Represented through its

1. General Manager,
East Coast Railway,
At- Rail Sadan, Chandrasekharapur,
Bhubaneswar-17, Dist. Khurda.
2. Chief Personnel Officer,
East Coast Railway,
At- Rail Sadan, Chandrasekharapur,
Bhubaneswar-17, Dist. Khurda.
3. Divisional Railway Manager,
Sambalpur Division,
East Coast Railway,
At/PO/Dist- Sambalpur.
4. Sr. Divisional Personnel Officer,
Sambalpur Division,
East Coast Railway, Sambalpur,
At/PO/Dist- Sambalpur.

(Advocate: Mr. T. Rath)

... Respondents

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ORDER (ORAL)

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

Heard Mr. S.Das, Ld. Counsel for the Applicants, 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. M.A.No. 249/16 filed by the applicants to prosecute this case jointly is allowed subject to payment of Rs. 50/- per applicant except applicant no.1.

3. Applicants in this O.A. filed under Section 19 of the Administrative Tribunals Act, 1985 have prayed for a direction to the

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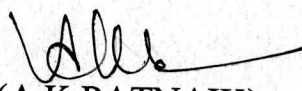
Respondents for fixation of their pay in terms of RBE No. 109 of 2008 dated 12.9.2008 as well as FTR/4 appended to the said circular from the respective dates they were appointed as Goods Guards in the running cadre with all service benefits as due and admissible to the post of Goods Guard and Sr. Goods Guard. Mr. Das, Ld. Counsel for the applicants, submitted that although ventilating their grievances, applicants made representation vide Annexure-5 dated 22.12.2015 before Respondent No.4 but till date no response has been communicated to them. Accordingly, they have moved this Tribunal in this present O.A. with the aforesaid prayers.

4. Since the matter is under consideration by Respondent No.4, at this stage, I am not inclined to admit this O.A. and keep the matter pending. Accordingly, without expressing any opinion on the merit of the matter, I direct Respondent No.4 to consider and dispose of the pending representation as at Annexure-5 in accordance with the extant rules and regulations and pass a reasoned and speaking order within a period of one month from the date of receipt of this order. It is made clear that if after such consideration, the applicants are found to be entitled to the relief claimed by them then expeditious steps be taken within a further period of three months from the date of such consideration to extend the same to the applicants. If in the meantime time said representation has already been considered and disposed of then the result thereof be communicated to the applicants within a period of two weeks from the date of receipt of this order.

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

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6. On the prayer made by Mr. S.Das, Ld. Counsel appearing for the applicant, copy of this order, along with paper book, be sent to all the Respondents by Speed Post for which he undertakes to file the postal requisites by 19.04.2016. Free copy of this order be also made over to Mr. T.Rath, Ld. Standing Counsel for the Railways.


(A.K.PATNAIK)
MEMBER (J)

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