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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

Original Application No. 260/00211 of 2016
Cuttack, this the 12th day of April, 2016

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

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Gyanendranath Behera,
aged about 61 years,
S/o Durga Prasad Behera,
Of Village Delang, Kothabad, PS- Pipili, Puri,
At present working as Khalasi under the
Senior Section Engineer (Works),
East Coast Railway, Budheswar-6,
Near Plate Form No.6, Bhubaneswar.

...Applicant

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

VERSUS

Union of India Represented through its

1. Secretary to Govt. of India,
Ministry of Railways, Railway Board,
Rail Bhawan, New Delhi.
2. General Manager,
East Coast Railway, Rail Sadan,
Samanta Vihar, Chandrasekharapur,
Bhubaneswar, Odisha, Pin-751017.
3. Chief Personnel Officer,
East Coast Railway, Rail Sadan,
Samanta Vihar, Chandrasekharapur,
Bhubaneswar, Odisha, Pin-751017.
4. Sr. Divisional Personnel Officer,
East Coast Railway,
Khurda Road, Jatni, Khurda.
5. Senior Assistant Engineer,
East Coast Railway,
Chandrasekharapur, Bhubaneswar.
6. Divisional Railway Manager(P),
East Coast Railway,
Khurda Road, Khurda.

12/04/2016

7. Sr. Divisional Engineer (Co-ordination),
East Coast Railway,
Jatni, Khurda.
8. Senior Section Engineer (Works),
East Coast Railway, Budheswar-6,
Near Plate Form No.6, Bhubaneswar.

... Respondents

(Advocate: Mr. T. Rath)

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ORDER (ORAL)

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

Heard Mr. D.K.Mohanty, 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. The applicant in this present O.A. filed under Section 19 of the Administrative Tribunals Act, 1985 has prayed for the following reliefs:

“(i) To direct the Respondents to consider the case of the applicant for promotion to Skilled Artisan Gr. III and grant him all consequential service and financial benefits retrospectively;

(ii) To pass any other order.....”

3. The case of the applicant, who belongs to SC community, is that he was initially appointed as Khalasi on 19.01.1996. It has been submitted that although a Trade Test was conducted in the year 2005 for the post of Masson-III, ECP III and EBS III under the sub division, but no opportunity was granted to the applicant to appear in the said test although he was eligible and entitled to sit in the said examination and for which he was superseded by my of his

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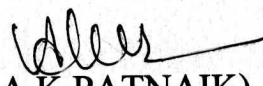
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juniors. In the meantime, he has been granted one financial up gradation. His grievance is that although rules envisages for promotion by way of seniority and there are several vacancies in the Skilled Artisan Gr. III under reserved category but due to non-filling of vacancies, he is suffering. Mr. Mohanty, Ld. Counsel for the applicant, submitted that putting forth his grievance, the applicant submitted a representation on 19.01.2016 to Respondent No.4 vide Annexure-A/3 but till date no response has been communicated to the applicant.

4. Since the representation of the applicant dated 19.01.2016 (Annexure-A/3) is stated to be pending with Respondent No.4 instead of keeping the matter pending, without going into the merit of this case, I dispose of this O.A. at this admission stage with direction to the Respondent No. 4 to consider the representation, if at all made and pending with him, and communicate the result thereof to the applicant in a well reasoned order within a period of two months from the date of receipt of a copy of this order. However, the points raised by the applicant in his representation are kept open for the Respondent No.4 to consider the same keeping in mind the Rules and Regulations in force. I hope and trust that 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 from the date of such consideration to grant that benefit to the applicant. 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.

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5. On the prayer made by Mr. Mohnaty, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 4 by Speed Post for which he undertakes to file the postal requisites by 19.04.2016.


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

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