

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00249 OF 2016
Cuttack, this the 2nd day of May, 2016

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

.....

Nara Chhatria, aged about 47 years, Son of Late Tunu Chhatria, At-Laderbahal, P.O.-Chhatamakhana, P.S.-Bolangir Sadar, District-Bolangir.
.....Applicant

By the Advocate(s)-M/s. D.R. Sundaray, S. Sahoo

-Versus-

Union of India, represented through

1. General Manager, East Coast Railway, Chandrasekharpur, At/P.O. Chandrasekharpur, Bhubaneswar, Dist-Khurda.
2. The Chief Personnel Officer, East Coast Railway, Bhubaneswar, At/P.O. Bhubaneswar, Dist-Khurda.
3. The Divisional Raailway Manager(P), At/P.O. Sambalpur, Dist-Sambalpur.
4. Assistant Personnel Officer, East Coast Railway, Office of the Railway Manager, (P), At.P.O./Dist.-Sambalpur.

.....Respondents

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

O R D E R (ORAL)

A.K.PATNAIK, MEMBER (J):

Heard Mr. D.R. Sundaray, Ld. Counsel appearing for the applicant and Mr. T. Rath, Ld. Standing Counsel appearing for the respondents-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 with the following prayer:-

“The applicant, therefore, humbly prays that this Hon’ble Tribunal may kindly allow this Original application and issue notice to the respondents to show cause thereby;

- (i) Quashing the order dated 16.01.2015 rejecting the application of the applicant under Annexure-8 and accordingly may kindly direct the respondents to immediately consider the case of the applicant for appointment under the Rehabilitation Assistance Scheme in Railway Department in any suitable post within a stipulated time on any terms and conditions considering the facts and circumstances of this case;
- (ii) Pass such other order(s) as deemed fit and proper in the bonafide interest of justice and fair play;

And for which act of your kindness, the applicant shall as in duty bound every pray.”

W.L

3. Mr. Sundaray, Ld. Counsel for the applicant submitted that due to non-consideration of the case of the applicant for the aforesaid relief as claimed by him, the applicant submitted representation dated 16.06.2015 (Annexure-A/9) to Respondent No.1. It has further been submitted that till date no response has been received by the applicant on his representation. Hence, the applicant has filed this O.A. with the prayer as aforesaid.

4. Since the representation 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.1 to consider the representation dated 16.06.2015 (Annexure-A/9), if the same is still pending, as per the extant Rule and communicate the result thereof to the applicant by way of a reasoned/speaking order within a period of 02 (two) months 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 him then the same may be extended to him within a further period of 03 (three) 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 representation will be kept open for the Respondents to consider the same as per rules, regulations and law in force. However, it is made clear that if in the meantime the said representation has already been disposed of then the result of the same be communicated to the applicant within a period of two weeks from the date of receipt of copy of this order.

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

6. On the prayer made by Mr. D.R. Sundaray, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No.1 by Speed Post for which Mr. Sundaray undertakes to file the postal requisites by 05.05.2016.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER(J)