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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00282 OF 2016

Cuttack, this the 11th day of May, 2016

CORAM

HON'BLE MR. R.C. MISRA, MEMBER(A)

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Subodha Kumar Nayak, aged about 55 years, S/O Bhagirathi Nayak, Village-Sarada, P.O. Mahana, Via-Rameswar, Dist-Cuttack. At Present working as Helper-2(Wireless) under Sr. Section Engineer, Tele, Khurda Division, East Coast Railway, Jatini, Dist-Khurda.

.....Applicant

By the Advocate(s)-M/s.S.K. Swain, D.R. Rath, S.K. Rout, S.C. Bairigajan, A.C. Deo and S. Patnaik.

-Versus-

Union of India, represented through

1. Divisional Railway Manager, East Coast Railway, Khurda Road Division, P.O. Jatini, Dist-Khurda.
2. Sr. Divisional Personnel Officer, East Coast Railway, Khurda Road Division, P.O. Jatni, Dist-Khurda.

.....Respondents

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

O R D E R(ORAL)

R.C.MISRA, MEMBER (A):

Heard Mr.S.K.Swain, learned counsel for the applicant and Mr.T.Rath, learned Standing Counsel. In this O.A. applicant has prayed for direction to be

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issued to respondent no.2 to ante-date his date of his regularization for the purpose of pensionary benefits.

2. Applicant was a retrenched casual labour in the year 1986 and was subsequently, re-engaged along with other casual labours. Applicant had earlier approached this Tribunal in O.A.No.153 of 1997, in which the Tribunal had passed orders that his name may be kept in the live register and consequently, his name was kept in the live register vide order dated 5.2.2002. Subsequently, applicant was posted as substitute, granted temporary status ^{and} was regularized on 8.11.2007. It is the case of the applicant that after the orders passed by the Tribunal on 2.4.1998 there was considerable delay in bringing him to the live register because of which his regularization was also delayed. The basic intent of this O.A. is that had applicant's service been regularized earlier, he would have ^{been} entitled to retiral benefits.

3. On the other hand, Mr.Rath submitted that claim laid by the applicant is barred by limitation and even in the O.A. that he had filed earlier had not ^{the} pressed for regularization and therefore, the respondents are not bound to give him any regularization before 1.1.2004.

4. However, it is seen from the record that ventilating his grievance applicant has submitted a representation to the Sr. Divisional Personnel Officer(res.no.2). At this stage, without going into the merit of the matter and without prejudice to the claim on the point of limitation, I would direct

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respondent no.2 to consider and dispose of the representation in accordance with rules and pass a reasoned and speaking order within a period of three months from the date of receipt of this order under intimation to the applicant.

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

6. On the prayer made by the learned counsel, copy of this order along with paper book of O.A. be sent to res.no. 2 at the cost of the applicant for which Mr.S.K.Swain undertakes to file the postal requisites by 13.5.2016.

Free copy of this order be made over to learned counsel for both the sides.



(R.C.MISRA)
MEMBER(A)

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