

3

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK**

Original Application No. 260/00394 of 2016  
Cuttack, this the 7<sup>th</sup> day of June, 2016

**CORAM  
HON'BLE SHRI R.C.MISRA, MEMBER (ADMN.)**

.....

Rabindra Kumar Samal,  
aged about 41 years,  
S/o Jagabhandhu Samal,  
working as a Track Maintainer-III,  
under SSE/P.Way/E.Co.Rly./Harichandanpur, Dist- Keonjargarh,  
Permanent resident of Vill. Barahnapur, PO/PS- Jenapur Dist- Jajpur.

...Applicant

(Advocates: M/s. N.R.Routray, T.K.Choudhury, S.K.Mohanty, Smt. J.Pradhan)

**VERSUS**

Union of India Represented through its

1. General Manager,  
East Coast Railway,  
Rail Sadan, Chandrasekharpur,  
Bhubaneswar, Dist. Khurda.
2. Sr. Divisional Personal Officer,  
East Coast Railway,  
Khordha Road Division,  
At/Po- Jatni, Dist. Khurda.
3. Sr. Divisional Engineer (co-ord.),  
East Coast Railway,  
Khordha Road Division,  
At/Po- Jatni, Dist. Khurda.
4. Asst. Divisional Engineer,



U  
2

East Coast Railway,  
Keonjhargarh, At- Ghumura,  
Po- Ghutur, Dist. Keonjhar.

1. Upendra Nath Jali,  
S/o Dhruba Jali,  
At present working as a Track Maintainer-III,  
under Sr. Section Engineer (P.Way)/E.Co.Rly.,  
Harichandanpur, At/PO/PS- Harichandanpur, Dist- Keonjhargarh,

(Advocate: Mr. T.Rath) ... Respondents

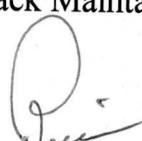
.....

### ORDER (ORAL)

#### R.C.MISRA, MEMBER (ADMN.):

Heard Mr. N.R.Routray, Ld. Counsel for the Applicant, and Mr. T.Rath, Ld. Addl. Central Govt. Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. In this Original Application under Section 19 of the A.T.Act, 1985, applicant has approached this Tribunal challenging the order of promotion of Res.no.5 issued by the Assistant divisional Engineer, Keonjhargarh (res.no.4) to the post of Track Maintainer-III under restructuring of cadre in violation of the decision taken by the CPO communicated vide letter dated 1.12.2014 and also the proposal to ~~ante-date~~ postpone the promotion of the applicant from 17.08.2012 to 1.04.2014 in the post of Track Maintainer. Mr.Routray has brought to my notice



a letter dated 21.1.2016 issued by the Assistant Divisional Engineer, Keonjharagh in this regard in which under note at Para-7 it is mentioned that the applicant (along with three others) who had been promoted to TM-III vide order dated 14.05.2015 will be effected from 1.4.2014 instead of 17.08.2012. It is also brought to my notice that the applicant has submitted a representation in this regard to res.no.3 in which he has represented that there is no justification for res.no.5 to get seniority over him as per the rules in force. This representation is said to be pending with the concerned authorities. On the other hand, Mr.T.Rath submitted that he has no objection if the Tribunal gives a direction for disposal of representation. However, while disposing of the representation, private res.no.5 should be given an opportunity of being heard in order to meet the principles of natural justice, since the said res.no.5 has not been represented in this case.

3. I have considered the submissions made by the learned counsel for both the sides. At this stage, without expressing any opinion on the merit of the matter, I would direct respondent nos. 2 and 3 to consider and dispose of the pending representation and communicate a decision thereon to the applicant within a period of three months from the date of receipt of this order. It is further directed that before a decision could be taken, res.nos. 2 and 3 shall afford an opportunity to res.no.5 of being heard so also the applicant.

4. Status quo in respect of the applicant shall be maintained till the decision is communicated.

5. Ordered accordingly.

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

7. On the prayer made by the learned counsel, copy of this order along with paper book be sent to res.no.2, 3 and 4 by Speed Post at the cost of the applicant, for which, Mr.N.R.Routray undertakes to file the postal requisites by 8.6.2016.

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

  
(R.C.MISRA)  
MEMBER (A)

BKS