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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK
O. A. No. 260/00549 OF 2016
Cuttack, this the 11th August, 2016

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

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Mahendranath Singh, aged bout 54 years, Son of Late Lilu Singh, working as a Track Maintainer-II, under SSE/P.Way/E.Co. Rly./ Keonjhar Road, permanent resident of Vill.-Kitadihi, P.O.- Bhaluki, Via- Samakhunta, Dist- Mayurbhanj, Odisha.

.....Applicant

By the Advocate(s)-M/s. N.R. Routray, Smt. J. Pradhan, U.K. Bhatt, T.K. Choudhury, S.K. Mohanty.

-Versus-

Union of India, represented through

1. General Manager, East Coast Railway, Rail Sadan, Chandrasekhapur, Bhubaneswar, Dist-khurda.
2. Sr. Divisional Personnel Officer, E.Co.Rly., Khurda Road Division, At/PO- Jatni, Dist-khurda.
3. Sr. Divisional Engineer(Co.ordn.), E.Co.Rly., Khurda Road Division, At/PO-Jatni, Dist-khurda.
4. Asst. Divisional Engineer, E.Co. Rly., Keonjhar, At- Ghumura, P.O- Ghutur, Dist-Keonjhar.
5. Sr. Section Engineer, (P.Way)/, E.Co. Rly., Keonjhar Road, At- Ghumura, P.O-Ghutur, Dist-Keonjhar.
6. Upendra Nath Nayak, Track Maintainer-II, under SSE(P.Way)/ E.Co. Rly./ Keonjhar Road, At- Ghumura, P.O-Ghutur, Dist-Keonjhar.
7. Pratap Kumar Sahoo, Track Maintainer-II, Under SSE(P.Way), E.Co. Rly., Keonjhar Road, At- Ghumura, P.O-Ghutur, Dist-Keonjhar.

.....Respondents

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

ORDER(Oral)

A.K.PATNAIK, MEMBER (J):

Heard Mr. N.R. Routray, Ld. Counsel appearing 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.

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2. This OA has been filed under Section 19 of the AT Act, 1985 with the following prayers:

- “(i) To quash the order of promotion dated 19.11.2015 and 05.05.2016 under Ann.A/12 & A/13 so far Respondent No. 6 & 7 are concerned;
- (ii) And to direct the Respondents to struck up the name of Respondent No. 6 & 7 from the combined seniority list under Ann. A/14 Series.
- (iii) And to direct Respondents to place the applicant at Sl. No.10 in the combined seniority list under Ann.- A/14 series;

3. The applicant has filed this Original Application challenging the order of promotion of Respondent No. 6 & 7 to the post of Track Maintainer-III & II under Restructuring of cadre and their placement in the combined seniority list in which Respondent No.6 & 7 are placed above the applicant. Hence, ventilating his grievance the applicant has submitted representation dated 22.02.2016 (Annexure-A/15) followed by a reminder dated 19.07.2016 (Annexure-A/16) and since no communication has been received so far, he has moved this Tribunal in this present O.A. with the aforesaid prayers.

4. As the said representations are stated to have been made and are still pending consideration with Respondent No.3, we do not think it proper to admit this matter and invite counter. We therefore, dispose of this O.A with a direction to Respondent No.3 that if any such representation dated 22.02.2016 (Annexure-A/15) has been preferred by the applicant followed by a reminder dated 19.07.2016 (Annexure-A/16) and are still pending consideration before him then the same may be considered and disposed of and result be communicated to the applicant by way of a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order.



Though we have not expressed any opinion on the merit of the matter, all the points raised in representations are kept open for the authorities to consider as per Rules. However, it is made clear that if in the meantime, the said representations have 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. We make it clear that status quo as on date so far as the applicant's continuance in the present place of posting is concerned will be maintained for a further period of one month from the date of such consideration.

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

7. On the prayer made by Mr. N.R. Routray, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent Nos.2, 3 & 4 by Speed Post for which he undertakes to file the postal requisites by 16.08.2016.

(R.C.MISRA)
MEMBER (A)

(A.K.PATNAIK)
MEMBER(J)