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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00578 OF 2016

Cuttack, this the 6th day of October, 2016

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HON'BLE MR. A.K. PATNAIK, MEMBER(J)

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

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Jagannath Acharya, aged about 58 years, Son of Late Mahendra Acharya, Presently working as Dy. Chief Signal & Telecom Engineer, (HQ), East Coast Railway, Bhubaneswar, O/o Chief Signal & Telecom Engineer, Ground Floor, North Block, East Coast Railway, Chandrasekharpur, Bhubaneswar-751017, Dist-Khurda. Permanent Resident At-B-401, DHPL Sahoo Complex, Plot No.3958, Rangamatia, Near Mancheswar Railway Station, Bhubaneswar-751017.

.....Applicant

By the Advocate(s)-M/s. A. Kanungo, C. Nayak.

-Versus-

Union of India, represented through

1. Chairman, Railway Board, Ministry of Railways, New Delhi-110001.
2. Secretary, Railway Board, Ministry of Railways, New Delhi-110001.
3. The General Manager, East Coast Railway, Chandrasekharpur, Bhubaneswar-751017.
4. Chief Signal & Telecommunication Engineer, East Coast Railway, Chandrasekharpur, Bhubaneswar-751017, Dist-Khurda.
5. Secretary (Estt.), Railway Board, Rail Bhawan, New Delhi-110001.
6. Chief Personnel Officer, East Coast Railway, Chandrasekharpur, Bhubaneswar-751017, Dist: Khurda.

.....Respondents

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

ORDER(Oral)

A.K.PATNAIK, MEMBER (J):

Heard Mr. A. Kanungo, Ld. Counsel appearing for the applicant and Mr. T. Rath, Ld. 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. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 challenging the non-inclusion of his name in the panel of Non Functional Selection Grade (NFSG) vide letter dated 28.04.2016 (Annexure-A/2). Being aggrieved he made an exhaustive representation dated 10.05.2016 (Annexure-A/3) through proper channel which has been forwarded to the Secretary (Estt.), Railway Board, Rail Bhawan, New Delhi (Respondent No.5) by the Office of the


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Respondent No.6 vide letter dated 26.05.2016. Mr. Kanungo submitted that till date no response has been received by the applicant against the claim made in the said representation dated 10.05.2016 (Annexure-A/3). Hence, the applicant has filed this O.A. with the prayer for a direction to the Respondents to empanel the applicant in the NFSG w.e.f. 01.01.2016 with all consequential benefits.

3. In view of this we do not think it proper to keep this matter pending. 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.5 to consider the representation dated 10.05.2016 (Annexure-A/3), 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 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 be considered 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.

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

5. On the prayer made by Mr. A. Kanungo, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent Nos.5 & 6 by Speed Post at the cost of the applicant for which Mr. Kanungo undertakes to file the postal requisites by 10.10.2016.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER(J)