

CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH, CUTTACK

O. A. No. 260/00611 OF 2016

Cuttack, this the 22nd day of September, 2016

CORAM

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

HON'BLE MR. S.K. PATTNAIK, MEMBER (J)

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Dillip Kumar Dash Sharma, aged about 51 years, S/o. Shri Gadadhar Dash Sharma, At:Waliganj, Ward No.3, Baripada, Dist.Mayurbhanj, at present serving as Commercial-In-Charge at Bangiriposi Railway Station, Baripada under South Eastern Railway.

...Applicant

By the Advocate – M/s. S. Das, S. Pattnaik, B.S. Rayaguru, C.K. Agrawal
-VERSUS-

Union of India Represented through

1. The Divisional Railway Manager (Personal), Kharagpur, South Eastern Railway, Dist:Midnapur, West Bengal.
2. The Divisional Commercial Manager, Kharagpur, South Eastern Railway, Dist:Midnapur, West Bengal.
3. The Chief Commercial Manager (C), South Eastern Railway, 14 Strand Road, Kolkata-1.
4. The Chief Personal Officer, South Eastern Railway, 14 Strand Road, Kolkata-1.
5. The General Manager, South Eastern Railway, Garden Reach, Kolkata, West Bengal.
6. Soudamini Nayak, Chief Commercial Clerk (C), Balasore, South Eastern Railway, Kharagpur Division, Balasore Railway Station, Balasore-756001.
7. Chaitali Banerjee, Chief Commercial Clerk (C), Balasore, South Eastern Railway, Kharagpur Division, Balasore Railway Station, Balasore-756001.
8. The Senior Divisional Commercial Manager, Kharagpur, South Eastern Railway, Dist:Midnapur, West Bengal.

...Respondents

By the Advocate- Mr. T. Rath

ORDER (Oral)

R.C.MISRA, MEMBER(A):

Heard Mr. S. Das, 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. The applicant in this case is serving as Commercial-In-Charge at Bangiriposi Railway Station, Baripada under South Eastern Railway. He has approached this Tribunal with a prayer that he should be granted promotion to the post of Chief Commercial Clerk (C) and at the same time he has also made prayer that since the authorities are not considering his case for MACP Scheme,



the Respondents may be directed to confer this benefit on him as per the Scheme.

3. The applicant should have approached this Tribunal with a singular prayer, instead he has approached this Tribunal with multiple prayers. However, Mr. Das, Ld. Counsel submitted that in spite of the representation of the applicant to the Respondents, the concerned authorities have not passed any order with regard to either his promotion or his MACP. Mr. Das further brought to our notice that on 04.01.2016 the applicant has made representation to the Senior Divisional Commercial Manager, Kharagpur, South Eastern Railway, Midnapur, West Bengal (Respondent No.8). In this representation he has made both the prayers of promotion as well as conferring the benefits of MACP.

4. Taking into account the submissions of Ld. Counsel for both the sides, since the representation is said to be pending at the level of the Respondents we do not feel inclined to issue notice in this matter. In view of this, at the stage of admission, without expressing any opinion on the merit of the matter, we dispose of this O.A. by directing Respondent No.8 to consider and dispose of the representation dated 04.01.2016 in accordance with the rules and instructions if it has been received and is still pending at his level with a reasoned and speaking order and communicate the decision thereon to the applicant within a period of 90 (ninety) days from the date of receipt of this order.

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

6. On the prayer made by Mr. S. Das, Ld. Counsel appearing for the applicant copy of this order along with paper book of O.A. be sent to Respondent No.8 at the cost of the applicant for which Mr. Das, undertakes to file the postal requisites by 26.09.2016.

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

S.K.Pattnaik
(S.K.PATTNAIK)
MEMBER (J)

R.C.Misra
(R.C.MISRA)
MEMBER(A)