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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00687 OF 2016

Cuttack, this the 5th 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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Smt. Rina Sushila Dung Dung, aged about 38 years, W/o. Randhir Tete, presently working as Jr. Clerk, East Coast Railway, Sr. Section Engineer(Signal), Titilagarh, resident of Village: Sianbahal, P.O: Tasladihi, Dist: Sundargarh.

.....Applicant

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

-Versus-

Union of India, represented through

1. Chairman, Railway Board, Rail Bhawan, New Delhi.
2. The General Manager, East Coast Railway, Rail Sadan, Chandrasekharpur, Bhubaneswar, Dist: Khurda.
3. Chief Personnel Officer, East Coast Railway, Chandrasekharpur, Bhubaneswar, Dist: Khurda.
4. Sr. Divisional Personnel Officer, East Coast Railway, Sambalpur Division, At/P.O/Dist-Sambalpur.
5. Divisional Railway Manager(P), Sambalpur Division, At/P.O/Dist-Sambalpur.
6. Sr. Section Engineer, (Signals) Titlagarh, Sambalpur Division, Dist-Sambalpur.

.....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. The facts of the case are that applicant joined in the Railways as Group "D" (Peon) in the year 1999 on being directly recruited against Sports Quota. Thereafter, on 30.07.2012 she was promoted to the post of Jr. Clerk cum Typist. On 16.05.2016 she was served with a show cause notice for reversion due to her failure in three chances in Typewriting Test.

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Thereafter, on 20.05.2016 applicant submitted a representation before Sr. Divisional Personnel Officer, East Coast Railway, Sambalpur Division, Sambalpur. Thereafter, vide order dated 01.09.2016 (Annexure-A/4) the said representation was rejected. On 13.09.2016 the applicant filed another representation before the General Manager, East Coast Railway, Rail Sadan, Chandrasekharpur, Bhubaneswar (Respondent No.2). Thereafter, vide order dated 21.09.2016 the applicant has been reverted to her former post i.e., Peon.

3. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 challenging the order dated 21.09.2016 (Annexure-A/7) in which the applicant has been reverted to her former post i.e., Peon. Mr. Kanungo brought to our notice that 4th chance was offered to similarly situated persons and the applicant is claiming parity with them and had made a representation dated 13.09.2016 (Annexure-A/6) before the General Manager, East Coast Railway, Rail Sadan, Chandrasekharpur, Bhubaneswar (Respondent No.2).


4. We find that in the order dated 21.09.2016 nothing has been mentioned whether the applicant had prayed for equality regarding extension of the 4th chance as has been given to some other employees. In view of this we do not think it proper to keep this matter pending.

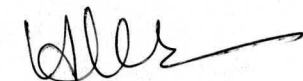
5. Since the representation submitted by the applicant is stated to be pending, without entering into the merit of this case, we dispose of this O.A at the stage of admission by directing Respondent No.2 to consider the representation dated 13.09.2016 (Annexure-A/6), if the same is still pending, as 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. Since an order of reversion ^{been} has passed, we are not expressing any opinion on the merit of the matter. However, 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 if at all pending and if the applicant's case is found to be genuine one, then Respondent No.2 may take appropriate decision regarding grant of relief to the applicant.

[Signature]

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. A. Kanungo, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No.2 by Speed Post at the cost of the applicant for which Mr. Kanungo undertakes to file the postal requisites by 07.10.2016.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER(J)

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