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O.A. No.439/2012
ORDER DATED 20th OF JUNE, 2012

S.N. Sahoo.....Applicant

Vrs.

Union of India & OthersRespondents

Coram:

HON'BLE MR. C.R. MOHAPATRA, MEMBER ADMN.

&

HON'BLE MR. A.K. PATNAIK, MEMBER JUDL.

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Heard Sri P.K. Mohapatra, Ld. Counsel appearing for the applicant and Sri S.K. Ojha, Ld. Standing Counsel for the Respondents/Rlys. on whom a copy of this O.A. has already been served and perused the materials placed on record.

2. The contention of the applicant in this Original Application is that his position in the Group 'B' officers of Electrical Engineering Department has been arbitrarily changed from Sl. No.23 to Sl. No.123. According to him the DPC is going to be held in near future based on the revised seniority list in which the applicant has lost his position drastically. This would affect his chance for consideration of promotion to the Group 'A' Junior Scale if the seniority issue is not decided.

3. Sri Ojha, Ld. Standing Counsel for the Respondents/Rlys. submits that he has no information regarding any DPC to be held in near future. So he prays for some time to obtain instruction.

4. Sri Mohapatra, Ld. Counsel for the applicant further submits that though the applicant has challenged the order of the Railway Board dated 16.05.2012 (Annexure-A/5) in this O.A. but so

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far the applicant has not taken up the matter against the change in the seniority position before the appropriate authority in the Railway Board (Respondent No.2). Hence, he submits that he would make a representation to Respondent No.2 within a period of 03 (three) days and he seeks a direction from this Tribunal to Respondent No.2 to dispose of the representation within a specific time frame.

5. Accordingly, as agreed to by the Ld. Counsel for the parties, without entering into the merit of the case, we direct Respondent No.2 to consider the representation if so received and pass a reasoned & speaking order taking into consideration the grievance of the applicant for seniority as Group 'B' officers of Electrical Engineering Department as per Rules within a period of 60(sixty) days from the date of receipt of copy of this order. However, meanwhile, if any DPC is held then the result of the DPC shall not be acted upon till the disposal of the representation.

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

7. Send copy of this order along with paper books to Respondent Nos.2, 3, 5 & 6 (at the cost of the applicant) for compliance and free copies of this order be made over to the Ld. Counsel for the parties.

8. Sri Mohapatra, Ld. Counsel for the applicant undertakes to deposit the postal requisite by 22.06.2012.


JUDL. MEMBER


ADMN. MEMBER