

3
**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO. 826 OF 2012
CUTTACK, THIS THE 16TH DAY OF NOVEMBER, 2012

CORAM
HON'BLE DR. R.C. PANDA, MEMBER (ADMN.)
HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)
.....

Bhabagrahi Mallick,
Aged about 57 years,
Son of Late Radhashyam Mallick,
At/P.O.-Poragadei, Via-Mahijanga,
Dist.-Jagatsinghpur,
At present working as Khalasi
Under Dy. CSTE (Con)/Bhubaneswar
E.Co.Railway, Chandrasekharpur,
Bhubaneswar.

.....Applicant

Advocate(s) M/s. P.K.Mohapatra, S.C.Sahoo.

VERSUS

Union of India represented through

1. The General Manager,
East Coast Railway, Chandrasekharpur,
Bhubaneswar, Dist.-Khurda.
2. Chief Personnel Officer,
East Coast Railway, Chandrasekharpur,
Bhubaneswar, Dist.-Khurda.
3. Deputy Chief Personnel Officer(Cons.),
East Coast Railway, Chandrasekharpur,
Bhubaneswar, Dist.-Khurda.
4. Dy. Chief Signal & Telecom Engineer (Con),
East Coast Railway, Chandrasekharpur,
Bhubaneswar, Dist.-Khurda.

..... Respondents

Advocate(s)..... Mr. T.Rath.



ORDER (ORAL)

DR. R.C. PANDA, MEMBER (ADMN.):

The applicant has instituted the present O.A. seeking the following relief:

- “i) quash the order dated 15.10.2012 in Annexure-A/3 as it is illegal, malafide, unconstitutional and not in consonance with the Rules.
- ii) direct the respondents to allow the applicant to continue in service in construction organization till his retirement.”

2. In support of his prayer, his contention is that he has been on deputation with the lien on the parent department.

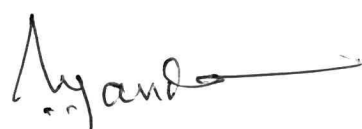
3. We have heard Sri P.K.Mohapatra, Ld. Counsel for the applicant, and Sri T.Rath, Ld. Standing Counsel for the Railways.

4. Issue notice to the Respondents. At this stage, Sri T.Rath, Ld. Counsel for the Railways takes notice.

5. The simple prayer that Ld. Counsel for the applicant submits is that representation of the applicant is pending with the Chief Personnel Officer of East Coast Railways, Chandrasekharpur Bhubaneswar (Respondent No.2) and the applicant will be satisfied if his representation could be considered and decided within a specific time frame and till that time the applicant needs to be protected.

6. Sri Rath, representing the Railways, would submit that he is not aware of whether the impugned order dated 15.10.2012 has been given effect to or not. However, the prayer of the applicant being innocuous, he has no specific views in the matter.

7. Considering the facts of the case, it would be appropriate for us to dispose of the O.A. with direction to Respondent No. 2 to consider the




applicant's representation dated 02.11.2012 (Annexure-A/4) as expeditiously as possible but preferably within a period of four weeks.

Ordered accordingly.

8. Till the time the representation is decided, status as on date for the applicant shall be maintained.

9. O.A. is disposed of in terms of our above direction. No costs.

10. Registry is directed to enclose a copy of the O.A. along with the present order to Respondent No.2.


(A.K. PATNAIK)
MEMBER(JUDL.)


(Dr. R.C. PANDA)
MEMBER(ADMN.)

RK