

3

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK**

O.A.No.981 of 2012  
Cuttack, this the 31<sup>st</sup> day of December, 2012

**CORAM  
HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)**

Niraj Kumar Sharma,  
Aged about 27 years,  
Son of Nand Kumar Sharma  
Vill/Po.Ossain,  
PS-Bihiya,  
Dist.Bhojpur,  
State: Bihar  
PIN-801302

....Applicant

(By Advocates :M/s.A.Swain,S.C.Mohanty,N.C.Moharana,  
P.K.Mishra,P.M.P.Singh)

**-VERSUS-**

Union of India represented through –

1. Secretary,  
Ministry of Railway,  
Railway Bhawan,  
New Delhi-110 001.
2. General Manager,  
East Coast Railway,  
ECoR Sadan,  
Chandrasekharpur,  
Bhubaneswar-751017,  
Dist.Khurda.
3. Chief Personnel Officer,  
ECoR Sadan,  
Chandrasekharpur,  
Bhubaneswar-751017,  
Dist. Khurda.

*AA*

4. Deputy Chief Personnel Officer (Recruitment),  
Cell East Cost Railway,  
Bhubaneswar.

.....Respondents

(By Advocate : Mr.T.Rath)

### O R D E R (oral)

**A.K.PATNAIK, MEMBER (J):**

Heard Mr.A.Swain, learned Counsel appearing for the Applicant and Mr. T.Rath, Learned Standing Counsel for the Railway- Respondents and perused the records.

2. At the out set, Mr.A.Swain, Learned Counsel submitted that the Applicant has already sent his reply to the show cause notice dated 21.08.2012 by speed post on 07.09.2012 but he has not received any reply so far.

3. Mr.T.Rath, Learned Standing Counsel for the Railway submitted that the last date of receipt of reply to the show cause notice was 05.09.2012 whereas according to the Applicant he has submitted the reply by post on 07.09.2012. However, Mr.Rath, Learned Standing Counsel submitted that he has no instruction as to whether any order has been passed after receipt of the show cause reply of the applicant.

4. In this view of the matter, without entering into the merit of the case, at this stage, this Original Application is disposed of with direction to the Respondent No.4 to consider the explanation/reply

*Ab*

sent by the applicant on 07.09.2012 to the show cause notice, on merit, and communicate the decision thereon, if not already decided, to the Applicant within a period of two months from the date of receipt of copy of this order. There shall be no order as to costs.

5. On the prayer of the Learned Counsel for the Applicant copy of this order along with copy of the OA be sent to the Respondent No.4 at his costs for which learned Counsel for the Applicant undertakes to furnish the postal requisite within a period of three days hence.

*Amer*  
**(A.K.Patnaik)**  
**Member (Judicial)**