

4

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

**ORIGINAL APPLICATION NO. 1111 OF 2012
CUTTACK, THIS THE 5th DAY OF FEBRUARY, 2013**

CORAM

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

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

.....

Kanhei Hembram,
Aged about 25 years,
S/o. Late Fakir Hembram,
Resident of
Vill.- Belgaon, P.O. Kuladiha,
P.S.- Basta, Munsif-Balesore,
Dist.- Balesore, Odisha

.....Applicant

Advocate(s) M/s. N.Singh, S.K.Giri, D.K.Mohanty

VERSUS

Union of India represented through

1. Secretary Railway,
Rail Bhwan, New Delhi.
2. The General Manager,
S.E. Railway, Kharagpur,
Rail Vihar, At/PO- Kharagpur,
Dist.-Medinapur, West Bengal.
3. Divisional Railway Manger(P),
South Eastern Railway,
Kharagpur, At/PO/Dist-Medinapur,
West Bengal.
4. Station Master, Jaleswar,
S.E. Railway,
At/PO-Jaleswar, Dist-Balesore,
Odisha.

..... Respondents

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



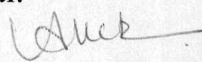



ORDER (ORAL)MR. A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. N.Singh, Ld. Counsel for the applicant, and Mr. T. Rath, Ld. Standing Counsel appearing on behalf of the Railways, on whom a copy of this O.A. has already been served.

2. From the records, it was pointed out that against the order issued on 25.05.2006 by the Divisional Personnel Officer, Kharapur, the applicant made representation initially on 20.10.2006, thereafter for three years he did not take any step and made second representation on 12.05.2009. Having received no response, the applicant sent a legal notice on 25.01.2011 through his Advocate and subsequently made the last representation on 17.01.2012 to Divisional Manager, S.E.Railway Manager.

3. Mr. Rath, Ld. Standing Counsel for the Railways strongly objected the maintainability of this O.A. on the ground of limitation and prayed for dismissal of this O.A. He also submitted that all the representations as well as legal notice have been sent to an authority, which does not exist in S.E.Railways and, accordingly, these representations as well as legal notice should not be taken into consideration by this Tribunal.

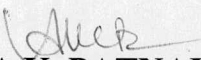


4. Since there are certain factual disputes as pointed out by the concerned authorities and as this is a case of employment assistance on compassionate ground, without entering into the merit of this case, we dispose of this O.A. at the stage of admission itself granting liberty to the applicant to make ^a fresh exhaustive representation to Respondent No.3, i.e. Divisional Railway Manager (P), S.E.Railway, within a period of two weeks from today. If such a representation is made, then Respondent No.3 is directed to consider the same as per extant rule and communicate the result thereof to the applicant by way of reasoned and speaking order within 2 months from the date of receipt of such representation.

5. Let copy of this order along with paper book be transmitted to Respondent No. 3 at the cost of the applicant for which Mr. Singh, Ld. Counsel for the applicant will file postal requisites within 4 days.

6. With the aforesaid observation and direction, the O.A. stands disposed of at the stage of admission itself.


(R.C.MISRA)
MEMBER(ADMN.)


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