

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 150 OF 2013
Cuttack, this the 21st day of March, 2013
CORAM

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

.....
Agasti Kumar Lenka,
aged about 61 years,
Son of Late Balunki Lenka,
Retired P.Way Mistry (PCR),
O/O-Deputy Chief Engineer/Con./E.Co.Rly/JJKR,
Permanent resident of Vill-Mahadia,
P.O-Belapada, Via-Gadasila,
Dist-Dhenkanal, Odisha.

.....Applicant

Advocate-Mr. N.R. Routray

VERSUS

Union of India represented through

1. The General Manager,
East Coast Railway,
E.Co.R Sadan, Chandrasekharpur,
Bhubaneswar, Dist-Khurda.
2. Chief Administrative Officer (Con.),
East Coast Railway, Rail Vihar,
Chandrasekharpur,
Bhubaneswar, Dist-Khurda.
3. Chief Engineer,
Construction-II,
East Coast Railway, Rail Vihar,
Chandrasekharpur,
Bhubaneswar, Dist-Khurda.
4. Sr. Personnel Officer,
Con./Co-ordn., East Coast Railway,
Rail Vihar, Chandrasekharpur,
Bhubaneswar, Dist-Khurda.
5. Deputy Chief Engineer (Con.),
E.Co. Rly, Jajpur Keonjhar Road,
At/P.O-Jajpur Road, Dist-Jajpur.

... Respondents

Advocate-Mr.T.Rath

(A. K. Patnaik)

ORDER

HON'BLE SHRI A.K.PATNAIK, MEMBER(J)

Heard Shri N.R.Routray, learned counsel for the applicant and Shri T.Rath, learned Standing Counsel, on whom a copy of this O.A. has been served, appearing on behalf of the Railways.

2. In this Original Application applicant has prayed for direction to Respondents to regularize his service as Permanent Way Mistry w.e.f. 01.11.1995. Shri T.Rath, learned Standing Counsel submitted that the applicant has retired from service with effect from 30.4.2012 whereas he has claimed regularization of service with effect from 1.11.1995 and therefore, this O.A. is hopelessly time barred and it should be dismissed at the threshold.

3. However, by filing M.A. 206/13 under Section 21(3) of the A.T.Act, 1985, applicant has prayed for condonation of delay by citing genuine reasons for filing this O.A. at this belated stage. Accordingly, M.A.N206/13 is allowed.

4. It reveals from the record that ventilating his grievance applicant has made a series of representations addressed to Deputy Chief Engineer, Construction (Respondent No.5) and Chief Engineer, Construction(Respondent No.3), the last representation being dated 5.12.2012 and having received no response, has approached this Tribunal.

5. Without entering into the merit of the case, I dispose of this O.A. at the stage of admission by directing Deputy Chief Engineer(Construction) and Chief Engineer(Construction) Respondent Nos. 5 and 3 respectively to consider the grievance of the applicant as raised in his representation dated 5.12.2012, if it is still pending and dispose of the same by way of a reasoned

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and speaking order within a period of sixty days from the date of receipt of this order, under intimation to the applicant. No costs.

6. Send copies of this order along with paper book to Respondent Nos. 3 and 5 at the cost of the applicant, for which Shri Routray undertakes to file the requisites by 25.3.2013. Free copies of this order be made over to the learned counsel for the parties.


(A.K.PATNAIK)
MEMBER(J)