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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. NO. 259 OF 2013
Cuttack, this the 3rd day of May, 2013

CORAM

HON'BLE SHRI A.K. PATNAIK, MEMBER (JUDL.)
HON'BLE SHRI R.C.MISRA, MEMBER (ADMN.)

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Pramod Kumar Singh,
aged about 37 years,
S/o. Late Satrughna Singh,
Resident of vill.Rajhansa,
P.O. Paramahansa, P.S. Cuttack Sadar,
Dist- Cuttack
Now working as Khalasi (Helper-II),
O/o Sr. Section Engineer (SSE),TRD Office,
Cuttack Railway Station under Khurda Division.

...Applicant

(Advocate(s) : Dr. D.B.Mishra, Mr. A.P.Mishra)

VERSUS

Union of India Represented through

1. General Manager,
East Coast Railway, Rail Vihar,
Chandrasekharpur, BBSR,
Dist- Khurda.
2. Sr. Divisional Personnel Officer,
East Coast Railway, Khurda Road Division,
At/PO-Jatni, Dist. Khurda,
Odisha, Pin-752050.
3. Divisional Personnel Officer-II,
East Coast Railway, Khurda Road,
At/PO-Jatni, Dist. Khurda,
4. Sr. Section Engineer (SSE),
East Coast Railway, TRD Office,
Cuttack Railway Station, Cuttack.
5. Asst. Divisional Electrical Engineer (ADEE),
East Coast Railway, Cuttack

... Respondents

(Advocate: Mr. T. Rath)

ORDER

SHRI A.K. PATNAIK, MEMBER (JUDL.) :

Heard Dr. D.B.Mishra, Ld. Counsel for the applicant, and Mr. T.Rath, Ld. Standing Counsel representing the Respondent-Railways, on whom a copy of this O.A. has already been served.

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2. Applicant has filed this O.A. challenging the provisional seniority list of Khalasi Helper as on 01.01.2013 under Annexure-A/3 in which, as per his submission, his position has been illegally placed at Sl. No. 168 instead of below Sl. No. 21 and above Sl. No. 22 in terms of Master Circular No. 34 and IREM Rules. Further Dr. Mishra submitted that the applicant's change of category from Tower Wagon Cleaner to Khalasi dated 02.02.2011 has been made without any knowledge of the applicant and his previous designation from Senior Tower Wagon Cleaner (OHE/CTC) to Helper-I/OHE/CTC dated 16.03.2011 has been done at the back of the applicant without any notice. Dr. Mishra submitted that all these actions of the departmental Respondents are in contravention of the Master Circular No. 34 and IREM Rules and, therefore, the applicant has been seriously prejudiced.

3. Mr. T.Rath, Ld. Standing Counsel for the Railways, submitted that though the action has been taken by the departmental authorities under Annexure-A/3, the applicant is claiming his seniority position at Sl. No. 21 but he has not made any of the persons as parties. So also, Mr. Rath brought to out notice that the applicant has already made a representation on 06.02.2013 to the Sr. Divisional Personnel Officer, E.Co.Rly., BBSR (Respondent No.2) as evident from the representation under Annexure-A/4.

4. In view of the above, at this stage, without entering into the merit of this case, we think it fit to remand the matter to Respondent No.2 to first examine the grievance of the applicant and take a decision on the basis of the allegations made by the applicant in his representation under Annexure-A/4. It is further to be noted that the applicant has given the name of three persons, who, as per the applicant, have joined service much after

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the applicant joined the department but their seniority position is much above than the applicant. We hope and trust that Respondent No.2 will consider the representation of the applicant vis-à-vis to the Rule position and communicate the result thereof to the applicant by way of reasoned and speaking order within a period of three months from the date of receipt of copy of this order. If the applicant's case is found to be genuine as per the extant rules and provisions then his seniority may be restored to original position.

5. With the above observation and direction, the O.A. stands disposed of.

6. Copy of this order, along with paper book, be sent to Respondent No.2 by Speed Post at the cost of the applicant for which Dr. Mishra, Ld. Counsel for the applicant, undertakes to deposit the postal requisites by 06.05.2013.


MEMBER (Admn.)


MEMBER (Judl.)

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