

3

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O.A. No.300 of 2013
Cuttack, this the 15th day of May, 2013

CORAM

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

.....
Sri Suryakanta Pradhan,
Aged about 36 years,
S/o.Sri Subal Chandra Pradhan,
At-Chandipur, Po.Kakhra,
Dist.Balasore,
Presently under C/o.P.C.Pandey,
Near Labour Colony,
At/Po.Mudipara,Town/Dist.Sambalpur.

....Applicant

(Advocate(s):-M/s.B.Dash,C.Mohanta)

-Versus-

Union of India represented through –

1. General Manager,
East Coast Railway,
Chandrasekharpur,
Bhubaneswar,
Dist.Khurda.
2. Chief Personnel Officer,
East Coast Railway,
Rail Vihar,
Chandrasekharpur,
Bhubaneswar,
Dist. Khurda.
3. Additional Divisional Railway Manager,
East Coast Railway,
Sambalpur Division,
At/Po/Ps/Dist.Sambalpur.

Alen

4. Divisional Personnel Officer,
East Coast Railway,
Sambalpur Division,
At/Po/PS/Dist.Sambalpur.

5. Divisional Railway Manager,
East Coast Railway,
Sambalpur Division,
At/Po/Ps/Dist.Sambalpur.

6. Sri V.S.Rao,
Senior Assistant Loco Pilot (G),
East Coast Railway,
Sambalpur Division.

.....Respondents

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

0 R D E R

(oral)

A.K. PATNAIK, MEMBER (J):

The case of the Applicant, in brief, is that he was continuing as Assistant Loco Pilot in the East Coast Railway. While continuing as such, he was selected, through Departmental Competitive Examination to the post of Junior Engineer Grade II and sent for Job Training. In the midst of the training he submitted an application expressing his desire to go back to his former post wherefrom he was selected

(Signature)

B

to the post of Junior Engineer Grade II and to refund the dues spent for the training, as per the Rules. The Authority regretted to accept such request of the applicant. Being aggrieved, the applicant approached before this Tribunal in OA No. 67 of 2011. The said OA was disposed of with direction to the Respondents to take decision on the request of the applicant within a period of sixty days. The request of the applicant was again rejected and communicated to him. Being aggrieved he again filed OA No. 440 of 2011. However, during the pendency of OA No. 440 of 2011, the Respondents transferred the applicant to his former post; for which OA No.440 of 2011 was disposed of by this Tribunal. As meanwhile, many of his juniors were promoted/upgraded to the post of Sr.Asst.Loco Pilot and Loco Pilot (G) from the post of Assistant Loco

Alka

Pilot, on joining his former post of Assistant Loco Pilot, applicant submitted representation for his promotion to the post of Sr.Asst.Loco Pilot and Loco Pilot (G) from the date(s) his juniors were promoted.

Alleging non consideration of the said representation, the Applicant has filed the instant OA with the following prayers:

“a. Original Application may be allowed;
b. The respondents may be directed to restore the seniority of the applicant without any loss;
c. The respondents may be directed to upgrade the applicant to the post of Sr.Asst. Loco Pilot at least from a date when his immediate junior got the same and then consider his case for promotion to the post of Loco Pilot (G) again from a date when his immediate junior got the same.”

2. Heard Mr.B.Dash, Learned Counsel for the Applicant and Mr.T.Rath, Learned Standing Counsel

Abel

appearing for the Respondent-Railways and perused the records.

3. We find that making the grievance, as claimed in this OA, the Applicant has made a representation to the Respondent No.1(General Manager, ECoRailway,Bhubaneswar) on 15.1.2013 and alleging non consideration he has filed the instant OA on 30th April, 2013. Mr.Rath, Learned Standing Counsel appearing for the Respondent-Railway is not able to instantly focus, in absence of any instruction, on the present grievance of the applicant or on the fate of the representation. In view of the above, without expressing any opinion on the merit of the matter this OA is disposed of at this admission stage with direction to the Respondent No.1 to consider and dispose of the representation dated 15.1.2013, if it is still pending, and communicate the result thereof

Verdict

in a well-reasoned order to the applicant within a period of sixty days from the date of receipt of copy of this order. If in the meantime decision has already been taken on the said representation but result has not been communicated the same may be communicated to the applicant within a period of thirty days from the date of receipt of copy of this order. There shall be no order as to costs.

4. Registry is directed to send copy of this order along with OA to the Respondent No.1, for compliance, at the cost of the Applicant; for which Learned Counsel for the applicant undertakes the required postal requisite within three days.


(R.C.Misra)
Member (Admn.)


(A.K.Patnaik)
Member (Judl.)