

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

**ORIGINAL APPLICATION NO. 45 OF 2013
CUTTACK, THIS THE 1st DAY OF FEBRUARY, 2013**

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

Pitabash Nanda,
Aged about 43 years,
S/o. Kelu Charan Nanda,
At-Nalihan, P.O.-Saraswatpur,
Dist-Puri
In the office of
S. Engineer Work, Puri Railway

.....Applicant
Advocate(s) Ms. S.Mohapatra, Mr. J.K.Khandayatray

VERSUS

Union of India represented through

1. The General Manager,
East Coast Railway, Rail Vihar,
Chandrasekharpur, Bhubaneswar-751023,
Dist.-Khurda, ODISHA
2. Divisional Railway Manager,
East Coast Railway, Khurda Road,
At/PO/Dist-Khurda, ODISHA.
3. Section Engineer, Works,
Puri SSE/W/Puri,
At/PO/Dist-PURI, ODISHA

..... Respondents

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

O R D E R (ORAL)

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

Heard Ms. S. Mohapatra, 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.

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2. The applicant has filed this O.A. claiming his absorption against any Group-C posts for which he is entitled to get and the same are lying vacant. Admittedly, after medical decategorization, the applicant was absorbed against a Group-D post at that relevant point of time. He claims that he should have been absorbed in any Group-C post. It is also not in dispute that the applicant was working as Constable under RPF before medical decategorization and, subsequently, he was offered a post of Chowkidar under the administrative control of Respondent No.3, which is a Group-D post, and now he comes under the jurisdiction of the Central Administrative Tribunal.

3. Ventilating his grievance, the applicant has already made a representation to Divisional Railway Manager, East Coast Railway, Khurda Road, (Respondent No.2) claiming to extend equal opportunity for absorption against alternative post on medical decategorization and payment of arrear of pay etc. Ms. Mohapatra, Ld. Counsel for the applicant, submits that against the representation made on 06.12.2012 the applicant has not received any response till date.

4. Mr. Rath, Ld. Standing Counsel for the Railways, is not in a position to apprise this Tribunal regarding latest status of the representation. He, however, submits that the O.A. has been filed on 14.01.2013 whereas the representation was preferred only on 06.12.2012, therefore it is too early for this Tribunal to adjudicate this O.A.

5. In the above peculiar circumstances and keeping in mind the claim of the applicant, we dispose of this O.A. at the stage of admission itself with direction to Respondent No.2, i.e. Divisional Railway Manager, East Coast Railway, Khurda Road, to re-examine the case of the applicant

by considering his representation made on 06.12.2012 (if it is still pending) by way of reasoned and speaking order within a period of two months from the date of receipt of copy of this order. If after consideration of the representation, applicant is found legitimately entitled to get the relief then the same may also be communicated to him.

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

7. Copy of this order along with paper book be transmitted to Respondent No. 2 at the cost of the applicant, for which Ms. Mohapatra, Ld. Counsel for the applicant, undertakes to deposit the postal requisites within 7 days.


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


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

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