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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. No. 541 of 2013

Cuttack this the 12th day of August, 2013

CORAM

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

HON'BLE SHRI R.C.MISRA, MEMBER (A)

.....

Sri Malaya Kumar Rout, aged about 38 years, Son of Gobinda Chandra Rout, At-Makundapur, PO.Harirajpur, PS-Banki, Dist. Cuttack presently working as SSE/Telecom/Con, ECo Railway, At/Po/Dist.Sambalpur.

.....Applicant

By the Advocate(s)-M/s.D.P.Dhalsamant,N.M.Rout,C.Mohanta

-VERSUS-

Union of India represented through

1. The General Manager, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar-Dist.Khurda-751 017.
2. Chief Personnel Officer, ECoR Sadan, 2nd Floor, South Block, Chandrasekharpur, Bhubaneswar, Dist. Khurda-751 017.
3. Chief Signal & Telecommunication Engineer, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist. Khurdas-751 017.
4. Sri Subir Ghosh, Senior Section Engineer, Signal, Construction, East Coast Railway, Vishakhapatna(AP).

...Respondents

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



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O R D E R

(oral)

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

This OA has been filed by the Applicant, after serving copy thereof on Mr.T.Rath, Learned Standing Counsel for the Railway in which he has prayed to direct the Respondents to award full marks to the answer given by him to the question Nos. 8.4 and 7.5 of the written examination held on 4.11.2012 and to direct the Respondents to empanel him as 'outstanding' against UR vacancy for 2011-2013. Further prayer of the applicant to direct the Respondents to promote him to Group B service as ASTE w.e.f. 5.3.2013 with consequential benefits.

2. Heard Mr.D.P.Dhalsamanta, Learned Counsel for the Applicant and Mr.T.Rath, Learned Standing Counsel appearing for the Respondents and perused the records. It is the specific stand of the Applicant that when his name was found to be missing in the final result sheet published by the Respondents on 22.1.2012 by making application under RTI Act, 2005 he has sought copy of the answer sheet of written test wherefrom some discrepancies were noticed in so far as awarding marks in the answer sheets. Thereafter he has submitted representation to Respondent No.1 on 10.4.2013 followed by reminder dated 23.4.2013 ventilating his grievance. As no reply was received on the said representation he personally met Respondent No.1


W. K. S.


in his grievance cell and ventilated his case. But till date he has not received any response thereto. On being asked, Mr Rath has rightly expressed his inability to state instantly of the fate of the representation submitted by the Applicant.

3. Be that as it may, as submitted by the Learned Counsel for the Applicant since no reply has been received on the representation dated 23.4.2013 followed by reminder dated 23.4.2013 we do not find any justifiable reason to admit this OA calling upon the Respondents to file counter. Therefore, without expressing any opinion on the merit of this matter, we dispose of this OA at this admission stage with direction to Respondent No.1 with whom the representation is stated to be pending to consider and dispose of the representation of the applicant dated 10.4.2013/23.4.2013 (if the same has really been made by the applicant and is/are still pending) and communicate the result thereof in a well-reasoned order to the Applicant within a period of 60(sixty) days from the date of receipt of copy of this order. In case in the meantime any decision has been taken on the said representation but has not been intimated to the applicant then the result shall be intimated to the Applicant within a period of 30(thirty) days from the date of receipt of copy of this order. There shall be no order as to costs.



4. As prayed for, copy of this order along with OA be sent to Respondent No.1 by post at the cost of the applicant for which Learned Counsel for the Applicant undertakes to deposit the required postal requisite within a period of seven days hence.


(R.C.MISRA)
Member(Admn.)


(A.K.PATNAIK)
Member (Judl.)