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**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK**

**O. A. NO. 689 OF 2013  
Cuttack, this the 17<sup>th</sup> day of December, 2013**

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

.....  
Prabir Kumar Sahu,  
Aged about 38 years,  
S/o. Chandra Sekhar Sahu,  
Presently working as Senior Assistant Loco Pilot,  
Under Chief Crew Controller,  
East Coast Railway,  
Khurda Road, Dist-Khurda.

.....Applicant

Advocate(s).... M/s. A.K. Mukherjee, P.K. Chand, S. Swain

**VERSUS**

Union of India represented through

1. General Manager, East Coast Railway,  
Rail Vihar, Chandrasekharpur,  
Bhubaneswar, Dist-Khurda.
2. The Divisional Railway Manager,  
East Coast Railway,  
Khurda Road, Dist-Khurda.
3. The Senior Divisional Personnel Officer,  
East Coast Railway,  
Khurda Road, Dist-Khurda.
4. The Senior Divisional Electrical Engineer,  
East Coast Railway,  
Khurda Road, Dist-Khurda.

..... Respondents

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

*Walter*

**ORDER (Oral)****A.K. PATNAIK, MEMBER (JUDL.)**

The main thrust of the grievance of the applicant in this OA is that Respondents published provisional seniority list containing names of 578 Senior Assistant Loco Pilot as on 25.7.2012 (signed on 09.12.2012) in which the name of the applicant finds place at Sl.No.556 whereas in the provisional seniority list of Senior Assistant Loco Pilot published on 25.7.2012 (signed on 25.7.2012) the name of the applicant does not find place. He has submitted representation on 20.6.2013 bringing the discrepancy crept in the said gradation list to the Respondent No.3. But without publishing the final gradation list of Senior Assistant Loco Pilot and without communicating any decision on the said representation, persons are being sent for training to promote them to the post of Loco Pilot (Goods). Hence, by filing the instant OA, the applicant has prayed for a direction to the Respondents to publish the final seniority list of Senior Assistant Loco Pilot of Khurda Road Division after considering the grievances of the applicant on the representation dated 26.6.2013 providing correct fitment following the Mutual Transfer Circulars, Rules of the Railway Board and thereafter provide further promotion to the post of Loco Pilot (Goods) with all consequential service benefits.

2. Copy of this OA has already been served on Mr.T.Rath, Learned Standing Counsel for the Railway. Mr.Rath takes notice for the Respondents. Heard Mr.P.K.Chand, Learned Counsel for the Applicant and Mr.T.Rath, Learned Standing Counsel for the Railway and perused the records.



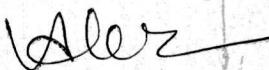
3. Mr. Rath vehemently objected to the prayer made in this Original Application by stating that the applicant has filed the instant OA by suppressing material facts of publication of final gradation list in the meantime; as none can be sent for training for promotion to the next higher grade based on provisional gradation list. Mr. Rath has also pointed out that if at all any such representation was submitted by the applicant but no action was taken thereon by Respondent No.3, the applicant instead of approaching this Tribunal should have brought to the notice of the next higher authority about non-disposal of his representation and having not done so, this OA is liable to be dismissed. Mr. Chand has specifically submitted that no such final gradation list has been published and Senior Assistant Loco Pilots have been sent for training for promotion to next higher post from the provisional gradation list which has given rise to the present cause of action.

4. It is the specific and positive case of the applicant that he has submitted the representation dated 20.6.2013 to the Respondent No.3 who has sat over the same till date. 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.3 to consider/dispose of the representation dated 26.6.2013, if the same has been preferred by the applicant and is still pending with him 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. If on consideration of the representation it is decided that the applicant is entitled to the claim made in the representation then the same be extended to him within period of sixty days from the date of the order. If in the meantime any decision has been

*[Signature]*

taken on the said representation but result has not been communicated the same be communicated to the applicant within a period of fifteen days from the date of receipt of copy of this order. There shall be no order as to costs.

5. As prayed for by Mr.P.C.Chand, Learned Counsel for the Applicant, copy of this order be sent to Respondent No.3, by speed post, for compliance, at the cost of the applicant; for which Mr.Chand, undertakes to furnish the postal requisite within two days hence.

  
(A.K.Patnaik)  
Member (Judicial)