

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. No. 702 of 2013

Cuttack the 20th day of November, , 2013

CORAM

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

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Narendra Gopichand Deshbhratar, aged about 39 years, Son of Gopichand Samaji Deshbhratar, permanent resident of Vill-Laskharibag, Po-Ambedkar, Circle No. 15/21, Nagpur-17, Maharastra.

...Applicant

(Advocates: M/s. N.R.Routray, Smt. J.Pradhan, T.K.Chudhury, S.K.Mohanty)

VERSUS

Union of India Represented through –

1. The General Manager, East Coast Railway, E.Co.R. Sadan, Chandrasekharpur, Bhubaneswar, Dist. Khurda.
2. Chief Personnel Officer, East Coast Railway, E.Co.R.Sadan, Chandrasekharpur, Bhubaneswar, Dist. Khurda.
3. Deputy Chief Personnel Officer (Recruitment), Railway Recruitment Cell, 2nd Floor, E.Co.R. Sadan, Chandrasekharpur, Bhubaneswar-17, Dist. Khurda.

.....Respondents

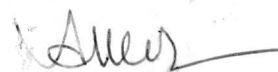
(Advocate: Mr.T.Rath)

O R D E R

(Oral)

A.K.PATNAIK, MEMBER (J):

The case of the Applicant, in nut shell, is that the East Coast Railway administration through Employment Notice dated 28.10.2006 invited applications from eligible candidates for filling

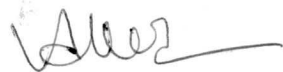


up of the post of Junior Trackman and Helper II in Railway. Applicant applied, appeared at the written test and came out successful. Thereafter on 26.3.2008, he has appeared in the Physical efficiency test in which he has also come out successful. In OA No. 531/2009 disposed of on 12.3.2010 this Tribunal directed the Respondents to complete the medical test within three months. Respondents issued show cause notice dated 24.7.2012 to the Applicant as to why his candidature shall not be rejected. The applicant submitted his reply on 31.8.2012. But till date he has not been communicated any reply nor has he been issued any offer of appointment. In support of his stand that the show cause notice issued to the applicant is not sustainable the applicant has also relied on the order dated 20.8.2009 in OA Nos. 703 of 2009 and 866 of 2009. The said show cause notice dated 24.7.2012 reads as under:

“Sub: Rejection of the candidature.

1) You were an applicant for the posts of Jr. Trackman and Helper II against Category No. 1&2 of Employment Notice No. ECoR/RRC/D/2006/01 dated 28.10.2006 of Railway Recruitment Cell, East Coast Railway, Bhubaneswar.

2) You were called for Written Exam. held on 23.09.2007 and Physical Efficiency Test (PET)



conducted during 24.3.2008 to 6.4.2008 with Roll No.2101023 for the above mentioned recruitment.

3) While verifying the application submitted by you the following deficiency (ies) is/are noticed:

(i) Application without full signature in the box provided below the space for pasted photograph.

4) As per Para-15 of the employment notification, applications with the above deficiencies are liable to be rejected. Therefore, your candidature for recruitment against the above employment notification is being cancelled. You are being given an opportunity to explain in writing as to why your candidature should not be cancelled.

5) Your explanation, if any, in writing should reach this office by 23.08.2012 addressed to "The Dy. Chief Personnel Officer, Railway Recruitment Cell, 2nd Floor, South Block, ECoR Sadan, Samant Vihar, Bhubaneswar-751017". If no explanation is received from you by 23.8.2012 it will be presumed that you have accepted the decision of Railway Recruitment Cell, East Coast Railway, Bhubaneswar and no further correspondence will be entertained."

Hence filing the present Original Application the applicant has sought the following reliefs:

- (i) To quash the show cause notice dated 24.7.2012 passed by the Respondent No.3 under Annexure-A/4;
- (ii) And to direct the Respondents to appoint the applicant as Junior Trackman & Helper-II."



3. Heard Mr.N.R.Routray, Learned Counsel appearing for the Applicant and Mr.Trilochan Rath, Learned Standing Counsel for the Railway-Respondents and perused pleadings and materials placed in support thereof. Mr. Rath strenuously opposed the case of the applicant. I do not feel to record all those arguments advance by respective parties as I find that it is the specific case of the applicant that after submission of reply to the show cause he has not received any response. Hon'ble Apex Court in the case of **S.S.Rathore -Vrs-State of Madhya Pradesh**, 1990 SCC (L&S) 50 in paragraph 17 have deprecated of not taking action on the representation submitted by an employee. Relevant portion of the observation of the Hon'ble Apex Court is quoted herein below:

“17.Redressal of grievances in the hands of the departmental authorities take an unduly long time. That is so on account of the fact that no attention is ordinarily bestowed over these matters and they are not considered to be governmental business of substance. This approach has to be deprecated and authorities on whom power is vested to dispose of the appeals and revisions under the Service Rules must dispose of such matters as expeditiously as possible. Ordinarily, a period of three to six months should be the outer limit. That would discipline the system and keep the public servant away from a protracted period of litigation.”

4. In view of the above, without going to the merit of the matter this OA is disposed of with direction to the Respondent No.3 (Dy. Chief Personnel Officer, Recruitment, Railway




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Recruitment Cell, 2nd Floor, South Block, ECoR Sadan, Samant Vihar, PO-Mancheswar, Bhubaneswar, Dist. Khurda) to take a decision on the reply submitted by the Applicant to the show cause notice dated 31.08.2012 and communicate the decision in a reasoned order to the Applicant within a period of 60 days from the date of receipt of copy of this order. If, in the meanwhile, decision has already been taken, the Respondent No.3 the result thereof shall be communicated to the applicant, if not already done so. Till a reasoned order is communicated to the applicant, as directed above, one post for which the applicant applied and appeared shall be kept vacant. There shall be no order as to costs.

Copy of this order be sent to the Respondent No.3 for compliance.


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