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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 707 OF 2013

Cuttack, this the 24th day of October, 2013

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

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Amardip Ghosh, aged about 40 years, Son of Late S.K. Ghose, At present working as Sr. Trolleyman SSE (P. Way) Khurda Road, Residing at Accounts Colony, Qtr No G-66/A, Jatani, Khurda.

.....Applicant

Advocate(s)..... Mr. D.K. Mohanty

VERSUS

Union of India represented through

1. The General Manager,
East Coast Railway,
E.Co.R Sadan, Samant Vihar,
P.O. Mancheswar.
Dist-Khurda, PIN-751017.
2. Chief Personnel Officer,
Office of the General Manager (P),
East Coast Railway,
2nd Floor, South Block,
Rail Sadan, Samant Vihar,
Bhubaneswar- 751017.
3. Sr. Divisional Personnel Officer,
East Coast Railway,
Khurda Road, Jatni,
Dist-Khurda, PIN 752050.
4. Asst. Personal Officer (Bills & Well),
Office of the General Manager (P),
East Coast Railway,
2nd Floor, South Block,
Rail Sadan, Samant Vihar,
Bhubaneswar- 751017.
5. Divisional Railway Manager,
East Coast Railway,
Khurda Road, Jatni,
Khurda- 752050.
6. Sr. Section Engineer, (P.Way),
Khurda Road Division,
East Coast Railway,
Khurda Road, Jatni,
Dist-Khurda, PIN 752050.

..... Respondents

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

Walter

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

A Resolution has been made and communicated by the CAT Bar Association to the extent as under :

“In continuation to our earlier resolution dt. 27.09.2013, 01.10.2013, 03.10.2013, 07.10.2013 and 10.10.2013 and in view of the resolution dt. 21.10.2013 of High Court Bar Association, the emergent General body meeting of C.A.T. Bar Association resolved unanimously today at about 10.30 to continue abstain from Court work till 24.10.2013”.

2. In view of the above, Learned Counsel for either of the parties are absent. However, perused the records and find that in this O.A. the prayer of the Applicant to quash the letter dated 10.09.2013 and to direct the Respondents to absorb the applicant as Token Porter in Operating Department in pursuance of Notification under annexure-A/1 and to give him all consequential service and financial benefits retrospectively. By way of ad interim measure, he has also sought to direct the Respondents to reconsider the case of the applicant with regard to absorption in Operating Department in the post of Token Porter. It is seen that the applicant agitated his grievance about non consideration of his case for absorption as Token Porter before the General Manager, East Coast Railway, ECoRSadan, Chandrasekharapur, Bhubaneswar (Respondent No.1) stating therein as under.

3. As it further appears, the Respondent No.1 considered the grievance of the applicant raised in his representation, quoted above, and result of such consideration was intimated to the Applicant in letter dated 10.09.2012 through Assistant Personnel Officer (Bills & Wel), ECoRly,



Bhubaneswar as under:

“In this connection General Manager has examined your case and observed that you should apply when next lot of applications are called for change of category.”

4. If the Applicant had applied for consideration of his case on time before his immediate authority and cases of Sr. Trolleyman have been considered and they have been absorbed as Token Porter, there is no reason for non-absorption of the Applicant in the post of Token Porter. The Applicant cannot be held responsible for the delay in forwarding his application for consideration of his case for absorption as TP. However, it appears that each and every aspects of the matter raised in the representation have not been dealt into in the letter of assurance dated 10.09.2013. In view of the above, justice would be meted out if this O.A. is disposed of at this stage with direction to the Respondent No.1 to deal each and every point raised by the applicant in his representation and assign the reason on the basis of which he has been advised that he may apply when next lot of applications are called for change of category and communicate the result in a reasoned order to the applicant. Hence this O.A. is disposed of with direction that notwithstanding the letter dated 10.09.2013, the Respondent No.1 to reconsider the grievance of the applicant and communicate the reason thereof as directed above within a period of 60(sixty) days from the date of receipt of copy of this order. There shall be no order as to costs.

Copy of this order along with OA be sent to the Respondent No.1.


(A.K. PATNAIK)
MEMBER (J)