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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

OA No.827 of 2013

Cuttack, this the 5th day of December, 2013

CORAM:

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

.....

Surjya Kanta Seth, agd about 43 years, Son of Lakshyapati Seth, At-
Hirakuda, Qrs. No. F35/5, PO-Hirakuda, Dist. Sambalpur, Odisha-768 016.

.....Applicant

(Legal Practitioner – M/s.Ms.Meera Ghosh, J.M.Rath)

Versus

Union of India and others

1. The General Manager, South Eastern Railway, Garden Reach, Calcutta-43.
2. Senior Divisional Mechanical Engineer, Office of D.R.M, E.C.Railway, At/Po/Ps/Dist.Sambalpur, Odisha.
3. Senior Section Engineer (Carriage and Wagon), Office of Divisional Railway Manager, E.C.Railway, At/Po/Dist.Sambalpur, Odisha.
4. Master Crafts Man Platform (C & W), Office of the Divisional Railway Manager, E.C.Railway, At/Po/Dist. Sambalpur, Odisha.

.....Respondents

(Legal practitioner – Mr.D.K.Behera)

ORDER

(Oral)

A.K.PATNAIK, MEMBER (JUDICIAL):

The case of the Applicant in nut shell is that he is a commerce graduate. He was selected through RRC/BB and with due approval of the competent authority he was posted as Helper for a posting as Helper II in Scale PB I (Rs.5200-20200/-) with GP Rs.1800/- vide office order No. Mech (NRG)/92/2012 dated 18.10.2012. He was selected against DREQ (Rect.) against SC vacancy and posted as Helper II in PB I in the office of SSE (C &



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W), Sambalpur. He joined duty on 26.10.2012 and was discharging his duty with utmost sincerity and devotion till 12.08.2013. On 12.08.2013 night as per his duty hour at 22.00 hrs he went to his office but got cold and indifferent reaction of the Respondent No.3 and he was not assigned any duty. On the next day morning i.e. on 13.08.2013 he approached the Senior Section Engineer (Respondent No.2), but he avoided. The applicant waited from 8.00 am and came back on 14.08.2013. He went to Sr. DMM, Respondent No.1 but he was absent. Thereafter, he went to the office of the Superintendent and intended to submit his grievance in writing but he refused to accept the same and instructed the dispatch section not to accept anything from the applicant. He again went to Respondent No.2 on 14.08.2013 and wanted to know the cause for not assigning him any duty but the Respondent No.2 behaved him rudely. There being no tangible result, he sent his grievance to Respondent No.1 through e mail on 20.8.2013. Thereafter enclosing all the correspondence the applicant sent another representation to the Respondent No.1 on 21.11.2013. But till date he has neither been assigned any duty nor has he been communicated any reply by the Respondent No.1 and on the other hand he apprehends coercive action against him showing his absence to be unauthorized one.


2. Heard Ms.Meera Ghosh, Learned Counsel for the Applicant and Mr.D.K.Behra, Learned panel Counsel appearing for the Railway-Respondent and perused the records.



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3. Mr. Behera has no immediate instruction on the status of the grievance, submitted by the applicant to Respondent No.1. Since the grievance as raised by the applicant before the Respondent No.1 is stated to be still pending, I do not find any justifiable reason to admit this OA at this stage. Hence, 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.1 to take a decision on the said representation dated 21.11.2013 and communicate the result thereof, in a well reasoned order to the applicant at the earliest opportunity preferably within a period of 30 (thirty) days from the date of receipt of copy of this order. However, it is made clear that if in the meantime any decision has already been taken on such grievance but the result has not been communicated the same may be communicated to the applicant within a period of 15 (fifteen) days. Till a decision is taken and communicated to the applicant as directed above no coercive action shall be taken against the applicant.

4. As prayed for by Ms.Ghosh, Learned Counsel for the Applicant copy of this order be sent to Respondent No.1 by speed post at his cost for which he undertakes to furnish the postal requisite by 9th December, 2013.


(A.K.Patnaik)
Member (Judicial)