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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 833 OF 2013

Cuttack, this the 3rd day of April, 2014

CORAM

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

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

.....

Nityananda Sahoo,

aged about 36 years,

S/o- Sanatan Sahoo,

Presently residing At/PO- Gobardhana Prasad

Via- Bhapu, Dist- Nayagarh.

.....Applicant

Advocate(s)- Ms. Pami Rath

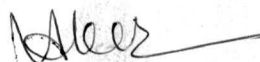
VERSUS

Union of India represented through

1. Secretary,
Ministry of Railway, Railway Bhawan,
New Delhi- 110001.
2. Chairman Railway Board,
Railway Bhawan,
New Delhi- 110001.
3. The General Manager,
East Coast Railway,
Samant Vihar,
PO-Mancheswar Bhubaneswar,
Dist-Khurda.
4. Chief Personnel Officer,
East Coast Railway,
Samant Vihar,
PO-Mancheswar Bhubaneswar,
Dist-Khurda.
5. Deputy Chief Personnel Officer, Recruitment,
Railway Recruitment Cell,
2nd Floor, South Block,
ECoR Sadan, Smant Vihar,
PO-Mancheswar, Bhubaneswar
Dist-Khurda.

..... Respondents

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



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

Copy of this O.A. has been served on Mr. T.Rath, Ld. Standing Counsel appearing for the Respondent-Railways, who accepts notice for all the Respondents in this OA. Registry is directed to serve notice, in terms of sub rule 4 of Rule 11 of the CAT (Procedure) Rules, 1987 for onward transmission. Heard Ms. P.Rath, Learned Counsel for the Applicant, and Mr. T.Rath, Ld. Standing Counsel appearing for the Respondent-Railways, and perused the materials placed on record.

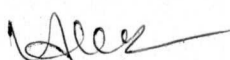
2. This instant O.A. has been filed by the applicant stating inter alia that on 28.10.2006 the Deputy Chief Personnel Officer, Recruitment, Railway Recruitment Cell (Respondent No.5) published an advertisement for appointment to the post of Junior Trackman and Helper-II. Applicant applied for the said post. He was called upon to appear at the selection. Thereafter on 13.04.2012 the said Dy. CPO called upon the applicant for medical examination and document verification. The Asst. Personnel Officer (Recruitment), E.Co.Rly., Bhubaneswar, in letter dated 23.08.2012 intimated to the applicant that he has been declared unfit in Bee-one medical category for appointment to the post of Jr. Trackman and Helper-II. In the said letter, it was informed to the applicant to submit counter medical report and appeal, if any. It is the specific case of the applicant that on 21.09.2012 the applicant submitted appeal enclosing thereto the relevant medical certificate. On receipt of the said representation/appeal the said Assist. Personnel Officer (Recruitment) again intimated to the applicant in letter dated 11.04.2013 that



if he wishes he may submit his medical certificate and another appeal. On 24.04.2013, the applicant submitted another medical certificate along with the representation. Applicant having not received any reply on the said appeal/representation, submitted another representation on 01.10.2013. The grievance of the applicant is that though the candidates selected along with him have already been appointed to the post, he has not yet been issued with the offer of appointment nor he has been communicated any reply on the series of representations/appeals submitted by him as above.

3. On being asked, Mr. Rath, Ld. Standing Counsel for the Railways, has fairly submitted that he has no immediate instruction if any such representation has been preferred by the applicant and the result thereof. However, he prays for some time to obtain instruction on the same.

4. Since the Representation of the applicant is under consideration as submitted by the applicant, we do not see any ground to admit this O.A. Hence, as agreed to by the Ld. Counsel for the applicant, without going into the merit of the matter, this O.A. is disposed of at this admission stage by directing Respondent No. 5 to consider and dispose of the representation, if pending, and communicate the result thereof to the applicant by way of a reasoned and speaking order within a period of 60 (sixty) days from the date of receipt of copy of this order. However, we make it clear that if in the meantime said representation, as submitted by the applicant, has already been disposed of then the result thereof be communicated to the applicant within a period of two weeks from the date of receipt of copy of this order. There shall be no order as to costs.




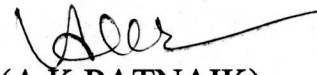
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4. As prayed for by Ms. P.Rath, Ld Counsel for the applicant, copy of this order be transmitted to Respondent Nos. 3, 4 and 5 by Speed Post, at her cost, for which she undertakes to furnish the postal requisite by 07.04.2014.


(R.C.MISRA)
MEMBER (Admn.)


(A.K.PATNAIK)
MEMBER(Judl.)

RK