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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. No. 870 of 2013

Cuttack the 18th day of December, 2013

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

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Y.V.S.T.Rao, aged about 49 years, Son of Late Y. Balaram Das at present posted as ECRC, East Coast Railway under SMR Berhampur residence of Nehur Nagar, Lane-2, House No.24/2, Berhampur, Dist. Ganjam, Odisha.

....Applicant

(Advocates: M/s.Jagamaya Pradhan, T.K.Choudhury,S.K.Mohanty,N.R.Routray)

VERSUS

Union of India Represented through -

1. The General Manager, East Coast Railway, E.Co.R. Sadan, Chandrasekharpur, Bhubaneswar, Dist. Khurda.
2. Senior Divisional Personnel Officer, East Coast Railway, Khurda Road division, At/Po.Jatni, Dist. Khurda.
3. Senior Divisional Commercial Manager, East Coast Railway, Khurda Road Division, At/Po.Jatni, Dist. Khurda.
4. Divisional Commercial Manager, East Coast Railway, Khurda Road Division, At/Po.Jatni, Dist. Khurda.
5. Kabindranath Pasayat, Chief Commercial Inspector, E.Co. Railway, At-Railway Campus, PO. Station Bazar, Town-Berhampur, Dist. Ganjam.

.....Respondents

(Advocate: Mr.T.Rath)

O R D E R

(Oral)

A.K.PATNAIK, MEMBER (J):

The Applicant posted as ECRC under the SMR, ECoRly, Berhampur, has filed the instant OA praying to quash the order dated 06.11.2013, 18.11.2013, to direct the Respondents to treat the period from

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19.11.2013 till date of joining as duty and accordingly pay him salary, if necessary, by deducting the same from the salary of Respondent No.5.


2. Applicant's case, in nut shell, is that he joined as a TP in S.E. Railway on 02.09.1998. He was empanelled for promotion to the post of Commercial Clerk on 12.02.2002. He was promoted to the post of ECRC-II in PB I with GP Rs.2800 and consequently posted under SMR Talcher on 01.10.2010. On his own request, he was transferred and posted as ECRC/BAM under SMR/BAM, on 19.10.2012. Respondent No.3 issued order dated 06.11.2013 for manning both booking/UTS and PRS counters by the reservation clerks posted under CMI (s) as LR. Applicant and two others represented to Respondent No.3 on 13.11.2013 not to force them to perform the duty of Booking Clerk. Respondent No.5 vide order dated 18.11.2013 advised the applicant to perform Booking duty at BALU from 19.11.2013 until further orders. On 19.11.2013 applicant submitted application along with medical certificate for grant of leave. The Respondent No.5 refused to receive the Regd. Post letter sent by him. He has brought his grievance through representation dated 21.11.2013, to the notice of Respondent No.3 following by another application dated 22.11.2013 enclosing thereto copy of the medical certificate and refusal letter of Respondent No.5. It is the specific case of the Applicant that he has not received any reply from the Respondent No.3 till date and therefore, for the aforesaid action, he has been continuing in great mental stress and strain.



3. Mr.T.Rath, Learned Standing Counsel for the Railway accepts notice for the Respondents and, registry is directed to hand over copies of the OA meant for the Respondents to Mr.Rath. Mr.Rath has expressed that he has no immediate instruction whether any such representation dated 21.11.2013 was submitted by the applicant to Respondent No.3 and the result thereof.

4. Keeping in mind the provisions of the A.T. Act, 1985 and giving consideration to the grievance of an employee at the first instance is sine qua non, without expressing any opinion on the merit of the matter, this OA is disposed of at this admission stage with direction to Respondent No.3 to consider/dispose of the representation dated 12.11.2013, taking into consideration the document stated to have been sent on 22.11.2013 (if the same has been received/is still pending) and communicate the result thereof, in a well-reasoned order to the Applicant within a period of 6(sixty) days from the date of receipt of copy of this order. Until then there shall be no coercive action against the applicant. No costs.

5. As prayed for by Mr. Routray, copy of the order be sent to Respondent No.3, by speed post, at his cost, for compliance; for which he undertakes to furnish the postal requisite within three days hence.


(A.K.PATNAIK)
Member (Judicial)