CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO.944 OF 2013
Cuttack the 13th day of January, 2014

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

Ankul Jagannath,
aged about 61 years,
S/o. Late G. Ramulu, Retd. Head B.C./
East Coast Railway/Bhadrak, Vill-Manapalli,
P.O.-Kairasi, P.S.-Khalikote,
Dist.-Ganjam, Odisha.

...Applicant

(Advocate: 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. Senior Divisional Commercial Manager,
    East Coast Railway,
    Khurda Road Division,
    At/P.O.-Jatni, Dist-Khurda.

3. Divisional Commercial Manager,
    East Coast Railway,
    Khurda Road Division,
    At/P.O.-Jatni, Dist-Khurda.

4. Station Manager,
    East Coast Railway,Bhadrak,
    At/P.O./Town/Dist-Bhadrak.

... Respondents

(Advocate: Mr. T. Rath)

ORDER(Oral)

R.C. MISRA, MEMBER (A)

Heard Sri N.R. Routray, Ld. Counsel for the applicant and Sri T. Rath, Ld. Standing Counsel for the Railways/Respondents. Copy of this O.A. has been served on Sri T. Rath, Ld. Standing Counsel for the Railways/Respondents who accepts notice for the Respondents. Registry is directed to serve notice, in terms of sub rule 4 of Rule 11 of the CAT (Procedure) Rules, 1987 for onward transmission.

2. Sri Routray, Ld. Counsel for the applicant submitted that vide order dated 07.01.2010 (Annexure-A/5) the applicant was imposed a minor penalty. It was mentioned in the same order that appeal against this order lies with Sr. DCM within a period of 45 days from the date of receipt of this notice. Sri Routray further submits that at Annexure A/6 is the copy of the appeal which has been made to the Divisional Commercial Manager, East Coast Railway, Khurda Road. It is found that although the direction was given to the applicant to appeal before the Sr. DCM who is the appropriate authority but he made the appeal before the Divisional Commercial Manager. Therefore, it cannot be construed as an appeal. However, this petition/appeal was filed on 22.03.2010. It is also found in the petition that there is no exhaustive prayer made against the order of punishment which has been imposed vide order dated 07.01.2010 (Annexure-A/5).

3. It was also mentioned by Sri T. Rath, Ld. Standing Counsel for the Railways that the applicant has already gone through the punishment order and since he has not made an appeal to the appropriate authority during the prescribed period no relief can be granted to the applicant in this case. It is also found that the order of punishment was dated 07.01.2010 and the representation made on
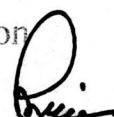
dated 22.03.2010 and this Original Application has filed only on 31.12.2013, after a lapse of long period of time. However, after hearing Ld. Counsel for both the sides I find that Annexure A/6 which is the petition addressed to the Divisional Commercial Manager, East Coast Railway, Khurda Road is still pending for disposal. Sri Rath submitted that he has no immediate instruction whether any such representation has been preferred by the applicant and if so the status thereof.

However, I am of the view that if it is still pending, the applicant is entitled to a response from the concerned authority as to the fate of the petition. At this stage there is no scope for going into the merit of this case. Therefore, without prejudice to the rights of the parties, I direct that the petition dated 22.03.2010 (Annexure-A/6) needs to be disposed of by a reasoned and speaking order if it is still pending with the concerned authority. This disposal may be done within one month and the result of the same may be immediately intimated to the applicant.

4. With the above observation and direction this O.A. is disposed of at the admission stage itself. No costs.

5. Copy of this order be transmitted to Respondent Nos.2 & 3 at the cost of the applicant for which Sri N.R. Routray, Ld. Counsel for the applicant undertakes to file Postal requisites by 15.01.2014.

(R.C. MISRA)
MEMBER(A)

K.B.