

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 982 OF 2013
Cuttack, this the 26th day of March, 2014

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

.....

Sujan Kumar Lakra,
aged about 37 years,
S/o- Timothius Lakra,
At/PO- Khinda Salaya Toly, Via- Kurdeg,
Dist- Simdega (Jharkhand), PIN-835212.
At present residing at OSAP 4th BN,
Qr. No. Q/300, PO- Rourkela-10,
Dist. Sundargarh, Odisha, Pin-769010.

.....Applicant

Advocate(s)- M/s- B.B.Behera, S. Bahadur

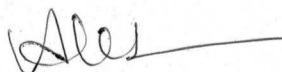
VERSUS

Union of India represented through

1. The General Manager,
East Coast Railway,
Bhubaneswar, PO-Mancheswar,
Dist-Khurda. Pin-751017.
2. Chief Personnel Officer,
East Coast Railway,
Bhubaneswar, ECoR Sadan,
PO-Mancheswar,
Dist-Khurda. Pin-751017.
3. Deputy Chief Personnel Officer (Recruitment),
Railway Recruitment Cell,
East Coast Railway,
Bhubaneswar, 2nd Floor, South Block,
ECoR Sadan, Smant Vihar,
PO-Mancheswar,
Dist-Khurda. Pin-751017.

..... Respondents

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

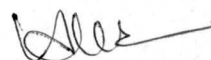


O R D E R (O R A L)

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 Mr. B.B.Behera, Learned Counsel for the Applicant, and Mr. T.Rath, Ld. Standing Counsel appearing for the Respondent-Railways, and perused the materials placed on record.

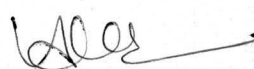
2. This instant O.A. has been filed by the applicant challenging his non-consideration to the post of Jr. Trackman and Helper-II against Category No. 1 and 2 of the notification, which was advertised vide Employment Notice dated 28.10.2006 by the East Coast Railways. Applicant, who belongs to ST category, had applied to the posts but due to non-availability of Caste Certificate/non-collection of Caste Certificate from the competent authority, he could not submit the same in appropriate time. Mr. Behera, Ld. Counsel for the applicant submitted that there was no intentional or deliberate attempt but bonafide as the applicant could not collect and submit the certificate from the office of the Sub-Divisional Officer, Simdega, Jharkhand in support of his claim for consideration as ST candidate. In response to the letter dated 24.07.2012, Annexure-5, for rejection of his candidature and calling for an explanation, the applicant already submitted his explanation along with the appropriate Caste Certificate (vide Annexure-6 series). Having received no response, the applicant made a representation dated 16.12.2013 before Respondent No.3.




Mr. Behera submitted that the grievance of the applicant will be more or less redressed if a direction can be issued to the Deputy Chief Personnel Officer (Recruitment), Railway Recruitment Cell (Respondent No.3) to consider the representation dated 16.12.2013 (Annexure-8), filed by the applicant and pending before Respondent No.3, as per rules, along with the explanation vide Annexure-6 series, within a specific time frame.

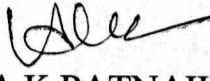
3. On the other hand, Mr. Rath, Ld. Standing Counsel for the Railways, has no immediate instruction as to whether any such representation and explanation, as claimed by the applicant, have really been submitted by him before Respondent No.3.

4. Taking into account the submissions made by Mr. Behera, Ld. Counsel for the applicant, as well as Mr. Rath, Ld. Standing Counsel for the Railways, and as agreed to by the Ld. Counsel for the applicant, without entering into the merit of this case, we dispose of this O.A. at this admission stage by directing Respondent No.3 to consider and dispose of the representation, if pending, (stated to be preferred by the applicant on 16.12.2013) taking into consideration the explanation along with the Caste Certificate as claimed by the applicant under Annexure-A/6 series, 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 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.



5. As prayed for by Mr. Behera, Ld Counsel for the applicant, copy of this order be transmitted to Respondent No. 3, by Speed Post, at his cost, for which he undertakes to furnish the postal requisite by 28.03.2014.


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


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

RK

