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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 260/00174 OF 2014

Cuttack, this the 21st day of March, 2014

CORAM

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

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

.....

P. Rajamma,
aged about 45 years,
W/o- Late P. Nookaih,
At-Jadapudi, P.O-Kanchili,
Dist-Srikakulam, Andhra Pradesh,
Presently working as Senior Chowkidar,
Under Senior Section Engineering Works,
East Coast Railway,
Talcher, Dist.-Angul.

.....Applicant

Advocate(s)-M/s- J.K. Lenka, P.K. Behera.

VERSUS

Union of India represented through

1. The General Manager,
East Coast Railway,
Rail Vihar,
At/P.O./P.S.-Chandrasekharapur,
Bhubaneswar,
Dist.-Khurda.
2. Divisional Railway Manager(P),
East Coast Railway,
Khurda Road,
P.O.-Jatni,
Dist.-Khurda.
3. Sr. DEN (Co-ord),
East Coast Railway,
Khurda Road,
P.O.-Jatni,
Dist-Khurda.

..... Respondents

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



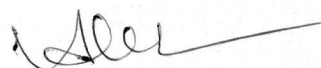
O R D E R (O R A L)

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. J.K.Lenka, 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. Mr. Lenka, Ld. Counsel for the applicant, submitted that in pursuance of the order passed on 19.12.2012 transferring the applicant from open line under SSE/W/Talcher to Construction organization by keeping rotation of lien, the applicant has immediately represented to her departmental authority, i.e. DRM (P), E.Co.Railways (Respondent No.2) on 01.03.2014 vide Annexure-A/3. On the other hand, Mr. T.Rath, Ld. Standing Counsel for the Railways, submitted that this being a policy of rotation of staff working in construction organization and in terms of the order of DRM (P), E.Co.Railway, there is no illegality in transferring them from the construction organization to open line and vice versa. However, he has no immediate instruction as to whether any such representation, as claimed by the applicant, has really been submitted by her addressed to the Divisional Railway Manager (P), i.e. Respondent No.2.


3. On the other hand, Mr. Lenka submitted that grievance of the applicant will be more or less redressed if a direction can be issued to

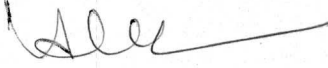


Respondent No.2 to consider the pending representation within a specific time frame.

4. Taking into account the submissions made by Mr. Lenka, Ld. Counsel for the applicant, as well as Mr. Rath, Ld. Standing Counsel for the Railways, without prejudice to the either side and without entering into the merit of this case, we dispose of this O.A. at this admission stage with direction to Respondent No.2 to consider the representation, if the same has been filed by the applicant on 01.03.2014 and is still pending, within a period of one month from the date of receipt of a copy of this order and communicate the result thereof to the applicant in a well-reasoned order and till then no coercive action will be taken against the applicant in pursuance of Annexure-A/2. 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. Lenka, Ld Counsel for the applicant, copy of this order be transmitted to Respondent No. 2 by Speed Post, at his cost, for which he undertakes to furnish the postal requisite by 24.03.2014.


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


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

RK