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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 260/00191 OF 2014
Cuttack, this the 27th day of March, 2014

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

.....
Surya Narayan Prusty,
aged about years,
S/o- Jitendra Narayan Prusty,
Permanent resident of Kaibalya,
176/7, Kedargouri Vihar, PO- BJB Nagar,
Bhubaneswar, Dist.-Khurda-751014, Odisha.

.....Applicant

Advocate(s)- M/s- N.R. Routray, Smt. J. Pradhan, T.K. Choudhury, S.K. Mohanty,

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Union of India represented through

1. The General Manager,
East Coast Railway,
E.Co.R Sadan,
Chandrasekharpur,
Bhubaneswar,
Dist-Khurda.
2. Deputy Chief Personnel Officer (Recruitment),
Railway Recruitment Cell, 2nd Floor,
Rail Sadan, Chandrasekharpur,
Bhubaneswar-17,
Dist-Khurda.
3. Chief Medical Director/
East Coast Railway/
Rail Sadan, Chandrasekharpur,
Bhubaneswar-17,
Dist-Khurda.

..... Respondents

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

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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 Mr. N.R.Routray, 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. Routray, Ld. Counsel for the applicant, submitted that this O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 challenging the inaction on the part of the Respondents for not issuing appointment order in favour of the applicant. Mr. Routray submitted that in pursuance of the notification dated 28.10.2006 under Annexure-A/1 for the post of Jr. Trackman and Helper-II, the applicant appeared in the Written Test as well as Physical Efficiency Test and came out successful. However, he was declared unfit in B-1 category by the Sr. D.M.O./CH/Bhubaneswar for which he filed an appeal along with medical certificate before Respondent No.3 through Respondent No.2 on 27.09.2012. In response to the appeal, the applicant was informed vide letter dated 11.04.2013 by Respondent No.2 to submit his appeal along with the medical certificate carrying the particular endorsement and, in compliance of the aforesaid letter, the applicant submitted all the required documents addressed to the Chief Medical Director, E.Co.Rly., Bhubaneswar vide his letter dated 29.04.2013. Mr. Routray submitted that though in pursuance of the letter

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dated 11.04.2013 the applicant has submitted all the documents as required by the concerned authority still then he received another letter on 01.08.2013 for submission of all the documents and, in strict compliance of the said letter dated 01.08.2013 (Annexure-A/8), the applicant again filed all the documents before Respondent No.3 vide his appeal dated 16.08.2013. Due to inaction on the part of Respondent No.3, the applicant sent another representation to the Deputy Chief Personnel Officer (Recruitment), Respondent No.2, enclosing all the documents on 26.12.2013 but till date he has not received any response either from Respondent No.3 or from Respondent No.2.

3. On the other hand, Mr. Rath, Ld. Standing Counsel for the Railways, has no immediate instruction if the case of the applicant has been considered by Respondent No.3 in pursuance of submission of document on 29.04.2013 as well as on 16.08.2013. He also ~~do~~ not have instruction whether any such representation has already been filed by the applicant on 26.12.2013 addressed to the Deputy Chief Personnel Officer (Recruitment), Respondent No.2, and, if so, the status thereof.

4. Mr. Routray submitted that if a specific time is given to Respondent No.2 to consider the representation sent by the applicant then the grievance of the applicant may be redressed.

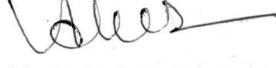
5. Taking into account the submissions made by Mr. Routray, Ld. Counsel for the applicant, without entering into the merit of this case, we dispose of this O.A. at this admission stage by directing Respondent No.2 to consider and dispose of the representation stated to be filed by the applicant on 26.12.2013, if it is still pending, as per the rules and regulations

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governing the field and the instructions issued by the Railways Board, which has been annexed under Annexure-A/11, and communicate the result thereof in a reasoned and speaking order to the applicant 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. No costs.

6. As prayed for by Mr. Routray, Ld Counsel for the applicant, copy of this order be sent to Respondent No. 2 by Speed Post, at his cost, for which he undertakes to furnish the postal requisite by 02.04.2014.


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


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

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