

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

**O. A. No. 260/00327 OF 2014**  
Cuttack, this the 14<sup>th</sup> day of May, 2014

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

Prafulla Kumar Mohapatra,  
Aged about 54 years,  
Son of Late Narendra Nath Mohapatra,  
At present working as Dy. Secy (PG),  
East Coast Railway, O.No. G-4,  
East Coast Railway Quarter, Rail Kunja,  
Chandrasekharpur, Bhubaneswar,  
Dist. Khurda, Odisha.

.....Applicant

Advocate(s)... M/s. M.K.Mohanty, P.K. Deo.

**VERSUS**

1. Chairman Railway Board,  
Rail Bhawan, New Delhi.
2. Secretary Railway Board,  
Rail Bhawan, New Delhi.
3. Union of India represented by  
General Manager,  
East Coast Railway,  
Chandrasekharpur, Bhubaneswar,  
Dist-Khurda.
4. Union of India represented through  
Secretary, Department of Personnel and Training,  
Sastri Bhawan, New Delhi.
5. Director Estt (GP),  
Room No. 365, Ministry of Railways,  
Rail Bhawan, New Delhi-110001.

..... Respondents

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



## ORDER (ORAL)

### A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. M.K.Mohanty, 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. The applicant has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985, challenging the action of the Respondents in not convening the DPC for all the Sr. Scale Cadre posts as per the Recruitment Rules in regular manner and thereby debarring the applicant to avail promotion to the post of Sr. Public Relation Officer and subsequent promotion to the post of Chief Public Relations Officer. He also challenges the action of the Respondents in decadring the post of Sr. PRO from Public Relation Department and encadring the same in the commercial department ignoring the promotional avenue of the applicant and other similarly situated persons. It has been submitted that non-holding of DPC and not creating the respective post in the respective zones and decadre and encadre of the posts in different zones forming different group on administrative instruction is bad and illegal. Mr. Mohanty, Ld. Counsel for the applicant, by drawing our attention to the representation dated 02.08.2013, filed through proper channel, addressed to Secretary, Railway Board (Respondent No.2), which was duly forwarded to Respondent No.5 on 08.10.2013, submitted that till date no response has been received by the applicant from the aforesaid authority.

3. Since it is the positive case of the applicant that no decision has been communicated to him on the representation submitted on 02.08.2013, without entering into the merit of this matter, this OA is disposed of at this



admission stage with direction to Respondent No. 5 to consider the representation, if the same has been filed and is still pending, as per the extant rules and regulations and communicate the result thereof, in a well-reasoned order to the applicant within a period of 60(sixty) days from the date of receipt of copy of this order. There shall be no order as to costs.

4. As agreed to by Ld. Counsel for both the sides, copy of this order along with the paper book, be transmitted to Respondent Nos. 2 and 5 by Speed Post at the cost of the applicant, for which Mr. Mohanty, Ld. Counsel for the applicant, undertakes to furnish the postal requisites by 16.05.2014.

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

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

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