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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.260/00444/2014

Cuttack this the 19th day of June, 2014

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

Panchanand Paswan
Aged about 61 years
Son of late Dhaneswar Paswan
R/o. Gourapara
Jayanti Bhawan
PO-Modipara, PS-Sadar, Dist-Sambalpur-768002
Odisha

...Applicant

By the Advocate(s)- M/s.B.P.Das
A.EKKA
J.S.Moharana

-VERSUS-

Union of India represented through the

1. The General Manager
East Coast Railway, Rail Sadan
Chanhdrasekhpur
Bhubaneswar-751 017
Dist-Khurda, Odisha
2. Chief Personnel Personnel Officer
East Coast Railway,
Chandrasekhpur
Bhubaneswar-751 017, Dist-Khurda, Odisha
3. Senior Personnel Officer.
East Coast Railway,
Chandrasekhpur, Bhubaneswar-751017
Dist-Khurda, Odisha
4. Senior Divisional Personnel Officer, East Coast Railway
Sambalpur, Odisha

...Respondents

By the Advocate(s)-Mr.T.Rath



ORDER(Oral)R.C.MISRA, MEMBER(A)

Heard Shri B.P.Das, learned counsel for the applicant and Shri T.R.Rath, learned Standing Counsel, on whom a copy of this O.A. has been served, appearing for Respondent Railways and perused the records.

2. Applicant is a retired employee of East Coast Railway. He has approached this Tribunal with a prayer that he should have been promoted in the year 2002 and 2008 against the SC category. However, he has been deprived of these promotions and later on by efflux of time, he availed of promotion and retired as Chief Controller in the East Coast Railways, Sambalpur on 31.1.2013. It is the submission of the learned counsel for the applicant that through an information obtained by R.T.I. Act, he has been informed that he could not be promoted in the year 2002 because of his low mark in the viva voce test. However, in respect of promotion for the year 2008, he has not been given any specific information about the reason as to why he has not been promoted although he was placed at Sl.No.1 and a post in SC category was available. When it was pointed out that at the appropriate time applicant should have approached the Tribunal, learned counsel has replied that he was representing to the concerned authorities. At Annexure-9 of the O.A. he has enclosed an application dated 20.11.2013, which is addressed to the General Manager, East Coast Railway, Respondent No.1. Applicant's counsel has pleaded that this representation has not been so far replied to by Respondent No.1. On the other hand, Shri Rath has pleaded that the applicant should have approached the Tribunal for relief at that relevant point of time and the Tribunal should not entertain this O.A. at a belated stage when applicant has



already retired from service after availing of promotion. With regard to the pending representation, Shri Rath submitted that he has no specific instruction regarding this and the Respondents are not obliged to dispose of any representation preferred at a much later point of time. However, it is the case of the applicant that he has submitted a representation dated 20.11.2013 and the same is pending with Respondent No.1.

3. In consideration of submissions made by the learned counsel for both the sides, I direct Respondent No.1 to consider and dispose of the representation of the applicant, if pending, and communicate the decision thereon to the applicant through a reasoned and speaking order within a period of sixty days from the date of receipt of this order.

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

5. As agreed to by learned counsel for both the sides, copy of this order along with paper book be sent to Res.Nos.1 at the cost of the applicant for which Shri Dash undertakds to file the postal requisites by 20.6.2014. Free copy of this order be made over to the learned counsel for both the sides.


(R.C.MISRA)
MEMBER(A)