

3 CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00637 OF 2014
Cuttack, this the 22nd day of August, 2014

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

.....
Tapaswini Prusty,
Aged about 34 years,
Daughter of Jatindra Mohan 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

VERSUS

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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O R D E R (ORAL)

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

Heard Mr. N.R.Routray, Ld. Counsel for the applicant, and Mr. T.Rath, Ld. Standing Counsel for the Railways, on whom a copy of this O.A. has already been served.

2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:

(i) To declare the order dtd. 04.09.2013 as honest in the eye of law;

(ii) And to direct the Respondents to appoint the applicant as Trackman, Token Porter, Gate Keeper & Helper-II against the post applied for;"

3. Case of the applicant, as it reveals from the record, is that pursuant to the notification dated 17.12.2010 (Annexure-A/1) she had applied for the post of Trackman, Token Porter, Gate Keeper and Helper-II. She qualified in the Written test as well as PET Test. However, vide Annexure-A/3 dated 04.09.2013 she has been informed that she was declared unfit by the Medical Examining Authority. Subsequently, she submitted appeal to Respondent No.3 with appropriate medical certificate. Mr. Routray, Ld. Counsel for the applicant, submitted that ventilating her grievance the applicant has preferred a detailed representation dated 25.02.2014 vide Annexure-A/5 before Respondent No.2 but till date no response has been received by her.

4. Mr. T.Rath, Ld. Standing Counsel appearing for the Railways, submits that he has no immediate instruction regarding status of the representation as stated above.



5. Be that as it may, since it is the positive case of the applicant that no decision has been communicated to her by Respondent No.2 on the representation submitted vide Annexure-A/5 dated 25.02.2014, without entering into the merit of this matter, this O.A. is disposed of at this admission stage with direction to Respondent No.2 to consider the grievance of the applicant as referred to by her in her representation, if the same is still pending, and communicate the decision 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. It is directed that till the representation is considered and disposed of, if the posts, in question, are vacant then one post may be kept vacant. No costs.

6. As agreed to by Ld. Counsel for both the sides, copy of this order, along with the paper book, be transmitted to Respondent No.2 by Speed Post at the cost of the applicant, for which Mr. Routray, Ld. Counsel for the applicant, undertakes to furnish the postal requisites by 26.08.2014.


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

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