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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.260/00752/2014
Cuttack this the 18th day of November, 2014
CORAM
HON'BLE SHRI R.C.MISRA, MEMBER(A)

Niranjan Swain
Aged about 35 years
S/o. late Rajkishore Swain
At/PO-Nayahat, PS-Gop, Dist-Puri
Presently working as Jr.Clerk
O/o. Chief Personnel Office
East Coast Railway
Bhubaneswar
Dist-Khurda

...Applicant

By the Advocate(s)-Mr.A.Kanungo
-VERSUS-

Union of India represented through

1. The General Manager

East Coast Railway
Chandrasekharpur
Bhubaneswar
Dist-Khurda

2. Chief Personnel Officer

East Coast Railway
Chandrasekharpur
Bhubaneswar
Dist-Khurda

...Respondents

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

ORDER

R.C.MISRA, MEMBER(A):

Heard Shri A.Kanungo, learned counsel for the applicant and Shri T.Rath, learned Standing Counsel for the Railways and perused the records.

2. Facts of the case as presented by Shri Kanungo are that applicant was promoted from Group-D to Group-C post by selection through written examination under 33% Departmental Promotion Quota. He is continuing in the promotional post since the year 2010 and is ^{required} ~~declared~~ to be qualified in the type-writing test within 2 years from his promotion as Junior Clerk cum Typist.

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Applicant was given three chances within the prescribed period for qualifying in the type-writing test. But even after availing of three chances, he has failed to qualify. By an order dated 4.8.2014, the communication was sent from the Senior Personnel Officer(Staff) to the applicant in which he was asked to show cause why action will not be taken to revert him to his former post in terms of the provisions contained in Rule-189(iii) of IREM, Vol.I and was asked to submit his explanation within a period of 15 days. The applicant, in response to the letter dated 4.8.2014 has made a mercy petition to the Chief Personnel Officer, East Coast Railways vide A/3 of the O.A. It is the prayer of the applicant that the Respondents may be directed to allow him another opportunity of qualifying the typing test.

3. As against the claim of the applicant's counsel that the mercy petition dated 18.8.2014 is still pending before the CPO (Res.No.2), the learned Standing Counsel for the Railways submitted that in case of the applicant as well as similar other cases, the representations for availing one more chance have been disposed of by the authorities, but the orders are still to be communicated to them. He has also filed some instructions in this regard, which mention that the competent authorities have disposed of the representation on 26.9.2014, but the communication to the applicant has not yet been made.

4. Having regard to the submissions made by the learned counsels for both the sides and going through the various papers filed in this regard, at this stage, without expressing any opinion on the merits of the matter, I direct Respondent No.2 to consider and dispose of the mercy petition dated 18.8.2014 with a reasoned and speaking order and communicate the decision thereon to the



applicant within a period of thirty days from the date of receipt of this order. I have also taken note of the instructions furnished by Shri Rath, learned SC for the Railways that the representation has been disposed of already, but the decision has not yet been communicated. If this is so, then the decision taken in this regard be communicated forthwith to the applicant by a reasoned and speaking order.

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

6. As prayed for by the learned counsel for the applicant, copy of this order along with paper book of OA be sent to Respondent No.2 by Speed Post at the cost of the applicant, for which Shri A.Kanungo to file the postal requisites by 20.11.2014. Free copy of this order be made over to learned counsel for both the sides.



(R.C.MISRA)
MEMBER(A)

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