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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00753 OF 2014

Cuttack, this the 3rd day of December, 2014

CORAM

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

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

Atanu Kumar Pradhan,
Aged about 42 years,
S/o- Late Gajendra Pradhan,
Permanent At: Bangarim,
P.O-Bamara, Via-Garadpur,
P.S. Patkura, Dist-Kendrapara,
Present at: Plot No.677/678,
Sec-3, Niladrivihar,
Chandrasekharpur,
Bhubaneswar, Dist-Khurda.
Presently working as Jr. Clerk,
O/o-Chief Personnel Officer,
East Coast Railway,
Bhubaneswar, Dist-Khurda.

.....Applicant

Advocate(s)... M/s. A. Kanungo, C. Nayak, B.K.Nayak)

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

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

ORDER (ORAL)

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


Heard Mr. A. Kanungo, Learned Counsel for the Applicant, and Mr.

T. Rath, Ld. Standing Counsel appearing for the Respondent-Railways, on whom a copy of this O.A. has already been served, and perused the materials placed on record.



2. The instant O.A. has been filed under Section 19 of the Administrative Tribunals Act in which the applicant has prayed for a direction to Respondent Nos. 1 and 2 to extend the benefit of relaxation in exercise of power under Rule 114 of the IREM for giving further chance by giving minimum six month notice considering the irregularities made in conducting typewriting test and the hardship caused to the applicant.


3. Mr. Kanungo, Ld. Counsel for the applicant, fairly brought to our notice the provision made in RBE No. 66/2000 in which it has been stated that "the Ministry of Railways have considered the matter and wish to clarify that concerned staff should be given at least three chances before completion of two years period to qualify in the typewriting test. In order to ensure that sufficient chances are availed of by the concerned staff, the Railways may arrange at least three typewriting tests with a gap of six months between tests within a period of two years from the date of promotion on provisional basis. Once this process is over, action to revert those who fail in the test should be initiated well in time". Mr. Kanungo further submitted that as the applicant could not clear the typing test within the time stipulated in the aforesaid RBE No. 66/2000, he was given a show cause notice on 04.08.2014 in which he was asked to show cause as to why he will not be reverted from the promotional post. The period of time granted to him to file show cause was 15 days from the date of receipt of this letter, which he complied by making a comprehensive representation to Chief Personnel Officer, East Coast Railway (Respondent No.2) vide his representation dated 18.08.2014. Mr. Kanungo prayed that till the said representation is considered and disposed of, a direction may be given to the Respondents not to take any coercive action against the applicant.

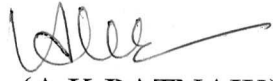


4. On the other hand, Mr. T. Rath, Ld. Standing Counsel for the Railways, by drawing our attention to the instruction received by him through e-mail on 24.10.2014 submitted that in the meantime representation so preferred by the applicant has been disposed of. Mr. Kanungo, Ld. Counsel for the applicant, submitted his ignorance regarding any such disposal/rejection of the representation.

5. In view of the above, we dispose of this O.A. at the stage of admission itself by stating that if the representation has already been disposed of then the result may be communicated to the applicant within a period of 7 days from the date of receipt of a copy of this order. However, if the representation has not yet been disposed of then the Respondents will consider the said representation within a period of 30 days from the date of receipt of a copy of this order and communicate the result thereof to the applicant by a well reasoned order and till then no coercive action will be taken against the applicant.

6. With the aforesaid observation and direction, this O.A. is disposed of.


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


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

K.B.