

3. CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No.260/00821 of 2014
Cuttack, this the 18th day of November, 2014

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

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Sunil Kumar Sahu,
Aged about 46 years,
Son of Sahu,
Technician Grade-III, O/o SSE(E)/E. Co. Rly.,
Station Bazar, Cuttack,
Resident of Quarter No. ET/73/F,
Station Bazar, College Square, Cuttack, 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. Senior Divisional Personnel Office/,
East Coast Railway/ Khurda Road Division,
At/PO- Jatni, Dist-Khurda.
3. Sr. Divisional Electrical Engineer (G)/
East Coast Railway, Khurda Road Division,
At/PO- Jatni, Dist-Khurda.

..... Respondents

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

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O R D E R (ORAL)

R.C.MISRA, MEMBER (ADMN.):

Heard Mr. N.R.Routray, Ld. 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. Facts of the matter are that applicant is presently working as Technician Grade-III, T/L Section, at Cuttack under the E.Co.Railways. By a decision of the Respondent-Railways for surrendering a large number of posts, applicant along with 76 numbers of staffs were declared surplus, because of which they have been redeployed in AC/TL wings of the Electrical Department. This order of redeployment of the surplus staff is dated 29.10.2014 which has been annexed as Annexure-A/5 of the O.A. It is the case of the applicant that the Railway administration had redeployed 156 numbers of staffs of Electrical Department without consulting labour organization and violating the Railway Board's guidelines in this regard. Applicant in response to the order dated 26.11.2012 had accepted his posting and joined at T/L Section at Cuttack. The order dated 26.11.2012 has been annexed as Annexure-A/1 to this O.A. However, subsequently 317 posts of power wing of Electrical Department under DRM Khurda Road Division which were surrendered in three spells were restored back to the original cadre of power group. Thereafter, the divisional authority passed an order dated 29.10.2014 (Annexure-A/5) deciding to declare 77 employees of the Electrical Department as surplus staff. There is a provisional list indicating the utilization of 77 surplus staff of power group of Electrical Department in other wings and branches. In this list at Sl. No. 11 applicant has been transferred from his present place of posting at Cuttack to Puri. It is the submission of Ld. Counsel that applicant had earlier accepted the orders of the authorities dated 02.11.2012 and joined at Cuttack on 26.11.2012 and has been continuing there. Therefore, subsequently, his posting as a surplus staff at Puri vide order dated 29.10.2004 is wholly unjustified. Another issue ~~has~~ been raised by the Ld. Counsel for the applicant is that once a decision has been taken regarding restoration of posts the question of further surrender does not arise. It is further submitted that the 

applicant has submitted a representation for reconsideration of his posting at Puri to the Sr. Divisional Personnel Officer, Khurda Road, who is Respondent No.2 in this O.A., This representation was submitted on 03.11.2014 and is said to be pending with Respondent No. 2.

3. Sri Rath, Ld. Standing counsel however, submit^r that he has no information regarding submission of any such representation.

4. After hearing Ld. Counsel for both sides and upon perusal of records, I am of the view that since this is a matter of transfer from Cuttack to Puri as a measure of redeployment of surplus staff and a representation is said to be pending before the authorities, at this stage, without going into the merit of the matter, it will be adequate to issue a direction to Respondent No.2 to dispose of the representation by way of a reasoned and speaking order thereon to the applicant within a period of 30 days from the date of receipt of the order. It is, however, ordered that till the representation is finally disposed and ^a decision thereon is communicated, the present status of the applicant shall not be disturbed by the Respondent authorities.

5. With the aforesaid observation and direction this O.A. stands disposed of. No costs.

6. As prayed for by Ld. Counsel for the applicant, copy of this order, along with the paper book, be transmitted to the concerned Respondent 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 21.11.2014.


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