

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No.260/001046 of 2014
Cuttack, this the 30th day of January, 2015

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

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R. Bhaskar Rao,
Aged about 56 years,
Son of late R.K.Murty,
Presently working as Adhoc Law Assistant,
In the office of Sr. Personnel Officer (Construction)
Co-ordination, East Coast Railway,
Chandrasekharpur, Bhubaneswar, Odisha.

.....Applicant

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

VERSUS

Union of India represented through

1. General Manager,
South Eastern Railway, Garden Reach,
Kolkata-43 (West Bengal).
2. Chief Personnel Officer,
South Eastern Railway, Garden Reach,
Kolkata-43 (West Bengal).

..... Respondents

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

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O R D E R (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. Applicant has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:

“ A) Direction/Directions may be issued to regularize the applicant as Law Asst. in the same manner, it has been done in case of Chaturbhuj Jena by the Department.

B) And further direction/directions be issued to give the benefit of regularization, on the same principle it has been given to M.K.Ahmed in obedience of the order passed in OA No. 74 of 2008 decided on 12.07.2013.

C) Any other direction.....”

3. The case of the applicant is that initially being selected through RRB/CAL he was appointed as Jr. Clerk on 01.12.1982 and, subsequently promoted to Sr. Clerk and Head Clerk. Thereafter, on being duly selected, he was promoted as Law Assistant on ad hoc basis w.e.f. 12.07.1996 under the office of GM/Law/S.E.Rly- GRC, Kolkata. On the formation of new Railway Zone, he was transferred to the Head Quarter, E.Co.Railway, Bhubaneswar as ad hoc Law Assistant, to which post he is continuing from 29.03.2003. Citing the example of some other officials and also taking the stand that the services of some of his juniors have been regularized in the meantime, the applicant has submitted that his services should also have been regularized in the post of Law Assistant. Mr. Kanungo, Ld. Counsel for the applicant, submitted that ventilating his grievance, the applicant has filed an exhaustive representation dated 10.05.2013 vide Annexure-A/15 addressed to General Manager, S.E.Rly, i.e. Respondent No.1, but till date the applicant has received no response on his representation and the same is still pending consideration.

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4. Mr. T. Rath, Ld. Standing Counsel for the Railways, submitted that at this stage he has no immediate instruction if any such representation has been filed by the applicant and, if so, the status thereof.

5. In view of the submissions made by the Ld. Counsel for both the sides, without entering into the merit of this matter, I dispose of this O.A. at this admission stage with direction to Respondent No. 1 to consider and dispose of the representation of the Applicant by a reasoned and speaking order and communicate the same to the applicant within a period of 60 days from the date of receipt of copy of this order and take expeditious steps as early as possible for regularization, if he is found otherwise fit, preferably within a further period of 60 days from such consideration . If, in the meantime, the representation has already been disposed of then the result thereof be communicated to the applicant within a period of 15 days from the date of receipt of a copy of this order. No costs.

6. As prayed for by Mr. Kanungo, Ld. Counsel for the applicant, copy of this order, along with the paper book, be transmitted to Respondent No. 1 by Speed Post at the cost of the applicant, for which he undertakes to furnish the postal requisites by 03.02.2015.


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