

4 CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No.260/001099 of 2014
Cuttack, this the 27th day of March, 2015

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

.....

Pradeep Kumar Bharati,
Aged about 34 years,
Daughter of Jagadish Prasad Yadav,
Vill- Kachnarwa, Post- Belhi, Via; Narhiya,
Dist: Madhubani, Bihar-847108.

.....Applicant

Advocate(s)... Mr. D.K.Mohanty.

VERSUS

Union of India represented through

1. Chairman, RRB,
E.Co.Railway, Railway Recruitment Cell,
Headquarters, C-57/0, Rail Vihar, Chandrasekharpur,
Bhubaneswar, Orissa-751023.
2. General Manager,
E.Co.Railway, Rail Vihar, Chandrasekharpur,
Bhubaneswar, PIN-751023.
3. Deputy Chief Personnel Officer (Recruitment),
Railway Recruitment Cell, E.Co.Railway,
Headquarters, C-57/0, Rail Vihar, Chandrasekharpur,
Bhubaneswar, Orissa-751023.

..... Respondents


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

.....

ORDER (ORAL)

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

Heard Mr. D.K.Mohanty, 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:

“(i) To direct the Respondents to appoint the applicant in the post in question forthwith;

(ii) Alternatively, direct the Respondents to send the signature and LTI/RTI of the applicant pursuant to the decision of this Hon’ble Tribunal dt. 16.03.2009 in OA No 21 of 2006 under Annexure A/6 to the GEQD/Govt. Hand writing experts under intimation to the applicant and act on the basis of the report received therefrom within a stipulated period.

3. The case of the applicant in nutshell is that pursuant to Advertisement under Annexure-A/1 she was selected for the post of Jr. Trackman. However, vide letter dated 30.12.2008 she was called upon to show cause as to why his candidature shall not be cancelled for the alleged variation of signature and LTI. Denying the allegation, she submitted representation on 08.01.2009 and, subsequently, filed an appeal on 07.01.2014 vide Annexure-A/5. Having received no response, she has filed the present O.A. with the reliefs as quoted above.


4. On 20.03.2015, on the prayer made by Mr. Rath, Ld. Standing Counsel for the Railways, time was granted to obtain instruction. Today by filing a memo he brought to my notice that the representation so preferred by the applicant on 07.01.2014 has not yet been disposed of. Mr. Mohanty, Ld. Counsel for the applicant, submitted that grievance of the applicant will be more or less redressed if a time frame is stipulated for Respondent No.3 to consider the said representation.



5. Taking into account the submission made by Mr. Mohanty, Ld. Counsel for the applicant, without expressing any opinion on the merit of the case and without prejudice to any of the parties, I dispose of this O.A. at this admission stage by directing Respondent No. 3 to consider and dispose of the representation dated 07.01.2014 in a well reasoned order and communicate the same to the applicant within a period of 45 days from the date of receipt of a copy of this order.

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

7. On the prayer made by Mr. Mohanty, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No.3 by Speed Post for which he undertakes to file the postal requisites by 31.03.2015.


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