

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00069 OF 2017
Cuttack, this the 6th day of March,2017

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

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Parsuram Pradhan, aged about 50 years, Son of Late Radheshyam Pradhan, at present working as a Shunting Master Grade-I under SMR/East Coast Railway/Paradeep, resident of Vill.-Kapasia, PO-Dabardhuapatna, Via/PS-Bolagada, Dist-Khurda, Odisha.

...Applicant
(By the Advocate-M/s. N. R. Routray, T. K. Choudhury, S. K. Mohanty)

-VERSUS-

Union of India Represented through

1. General Manager, East Coast Railway, E.Co.R. Sadan, Chandrasekharpur, Bhubaneswar, Dist-Khurda.
2. Senior Divisional Personnel Officer/East Cost Railway/Khurda Road Division, At/PO-Jatni, Dist-Khurda.
3. Mr. Biswanath Swain, Station Manager, Jajpur Keonjhar Road, East Coast Railway, At/PO-Jajpur Road, Dist-Jajpur..

...Respondents

By the Advocate- (Mr.T. Rath)

ORDER(Oral)

R.C. MISRA, MEMBER(A):

Heard Mr. N. R. Routray, Ld. Counsel appearing for the applicant and Mr. T. Rath, Ld. Standing Counsel appearing for the Respondents-Railways on whom a copy of this O.A. has already been served and perused the materials placed on record.

2. Mr. Routray submitted that the genesis of the grievances arises from the order dated 10/14.09.2015 in which the applicant who was working at JJKR was posted to Paradeep on promotion only after the period of penalty was over. The date on which the penalty was over was 30.06.2016. The Station Manager, JJKR (Respondent No.3) however relieved the applicant to joint at Paradeep vide order dated 28.10.2015. However, the transfer was not made in the promotional grade, since the penalty period was not over by that time.

Being aggrieved by this order, the applicant had approached this Tribunal by filing O.A No.770/15. This Tribunal vide order dated 24.06.2016 has disposed of this O.A by directing the Respondents that the applicant should be posted on promotion to Paradeep as Shunting Master Gr.I as soon as the punishment period is over on 30.06.2016. It was also observed by the Tribunal that the transfer made by the Respondents before his promotion to the post of Shunting Master Gr.I without a valid and proper transfer order appears to be administratively incorrect. The Ld. Counsel for the applicant submitted that in the meantime, the penalty period is over and the applicant was transferred to Paradeep on getting his promotion and has also joined there. However, his present grievances is that, during the period from 06.10.2015 to 24.03.2016 he was not permitted to work although he had reported for duty and his period of service has not been regularized. In the context of above facts, the applicant has made a representation dated 20.08.2016 (Annexure A/4) to the Senior Divisional Personnel Officer, East Cost Railway, Khurda Road Division, Khurda (Respondent No.2) which is said to be received and pending at his level.

3. Having heard the Ld. Counsels for both the sides I have perused the records.

4. This matter first of all needs to be considered by the Respondents authorities based upon the case made out by the applicant. Therefore, without going into the merit of the matter, I dispose of this O.A. by directing Respondent No.2 to consider and dispose of the aforesaid representation of the applicant and communicate the result thereof to the applicant by way

of a reasoned and speaking order within a period of 60 days of receipt of this order.

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

6. On the prayer made by Mr. N.R. Routray, Ld. Counsel appearing for the applicant, copy of this order along with paper book be communicated to the Respondent Nos.2 & 3 by Speed Post at the cost of the applicant, for which Mr. Routrayh undertakes to file the postal requisites by 09.03.2017.

(R.C.MISRA)
MEMBER(A)

K.B.

