

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00163 OF 2017
Cuttack, this the 27th day of March, 2017

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

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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. The applicant in the instant O.A. is at present working as Peon in the Office of Senior DMM, E.Co. Rly., Waltair Division and has approached the Tribunal, making a prayer that the Respondents may be directed to participate in the process of selection as per notification dated 03.01.2017. It was enquired from the Ld. Counsel for the applicant how this application is maintainable before the CAT Cuttack Bench and Ld. Counsel has clarified that although the applicant is working at Waltair the entire cause of action is with the authorities of East Coast Railway at Bhubaneswar. On perusing the papers I am satisfied that this O.A. is maintainable before this Bench.

3. Ld. Counsel for the applicant has submitted that the Office of Divisional Railway Manager (P) issued Notification dated 13.06.2012 for selection for promotion to the post of Clerk-cum-Typist in PB-1. The applicant applied in response to the said notification and appeared in the written test. The applicant came out successful and in the result of the written test published on 21.12.2012 he was placed at Sl. No.12 but due to lack of vacancy he could not get the chance for promotion to the post of Junior Clerk-cum-Typist. Again by notification dated 16.06.2015 the selection for promotion to the post of Junior Clerk-Cum-Typist was initiated but this time the applicant was not considered eligible by the authorities with a remark that 'HQ controlled staff with seniority maintained at HQ, hence not eligible'. The applicant being aggrieved made a representation dated 15.10.2015 and the Respondents authorities replied that he was erroneously called for in the earlier selection held in the year 2012. The applicant sought for information under RTI Act regarding supply of seniority list of all office peons working in the store department of entire East Coast Railway. He was provided with the

information that “ in ECoR/HQ, the seniority of office peons of Stores Deptt., is not maintained separately. It is a combined seniority group for all departments of ECoR/HQ. The sanction cadre of peons of Stores Deptt/HQ is 23 (Perm-01, Temp-06 & WC-16).”. The applicant’s grievance is that he has got appointment in the Railways in February, 2008 and as on February 2011 he is eligible for promotion to the next higher post but after a lapse of 09 years also he has been deprived of this opportunity. Ventilating his grievance he has made a representation dated 02.03.2017 to the Respondent No.2 i.e., the Chief Personnel Officer, East Coast Railway, in which his prayer is that he should be granted the opportunity to participate for the process of selection for the post of Junior Clerk-cum-Typist should be properly and correctly decided so that he should not be deprived of his chance of promotion.

4. Since it has come to my notice that a representation has been filed on 02.03.2017 to the Chief Personnel Officer, East Coast Railway (Respondent No.2), I am of the view that at the initial stage, the Respondents should dispose of this representation communicating their decision in a well reasoned order to the applicant. Therefore, at the stage of admission without going into the merit of this matter I direct Respondent No.2 to consider and dispose of the representation if it is pending at his level with a reasoned and speaking order to be communicated to the applicant within 60 days of receipt of copy 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 & 4 by Speed Post at the cost of the applicant, for which Mr. Routray undertakes to file the postal requisites by 30.03.2017.

**(R.C.MISRA)
MEMBER(A)**

K.B.