

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH**

OA No. 520 of 2012

Date of order : 27.2.2019

Present: **Hon'ble Mr. Gokul Chandra Pati, Member (A)**
Hon'ble Mr. Swarup Kumar Mishra, Member (J)

C.V.Gopal Rao, aged about 45 years, S/o C.V.K.Shastry, at present working as a J.E.-II/W under Deputy C.E./HQ/Con./East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist. – Khurda, Odisha.

.....Applicant

VERSUS

1. Union of India, represented through the General manager, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist. – Khurda.
2. Chief Administrative Officer/Con/ East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist. – Khurda.
3. Chief Engineer/Con.(HQ)/ East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist. – Khurda.
4. Sr. Personnel Officer/Con/Coordination/ East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist. – Khurda.
5. Deputy Chief Engineer/Con/ East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist. – Khurda.

.....Respondents.

For the applicant : Mr.N.R.Routray, counsel

For the respondents: Mr.A.Mohanty, counsel

O R D E R (ORAL)

Per Mr.Gokul Chandra Pati, Member (A)

This Original Application is filed with the prayer for following reliefs :

- "(a) To direct the respondents to promote the applicant to the grade of IOW Gr.III w.e.f. 18.12.1992 and subsequent promotion to IOW/Gr.II and Gr.I at par with Mr.K.N.Rao.
- (b) To direct the respondents to pay the differential arrear salary.
- (c) And pass any other appropriate order as deems proper and fit in the interest of justice.
- (d) And for which act of you kindness the applicant as in duty bound shall every pray."

2. Learned counsel for the applicant was heard and he submitted that the applicant has grievance since he has not been promoted at par with his colleagues who are similarly placed as the applicant. He pointed out that in the OA the example of Sri K.N.Rao has been cited who has been allowed promotion after his formal screening by a Selection Committee. But the same facility was

not extended to the applicant. It was further submitted that representation dated 18.8.2009 (Annexure A/4) and dated 1.9.2011 (Annexure A/5) have been submitted by the applicant which are pending with the respondents for consideration and that the grievance of the applicant will be addressed at this stage if a direction is given to the respondents to consider and dispose of the above representations regarding the grievance of the applicant.

3. Learned counsel for the respondents was heard. He filed a short note on the case which was taken on record. He pointed out that as stated in the short note, the case of the applicant is different from the case of Mr.K.N.Rao as well as Mr.K. Mohanty whose instances have been cited by the applicant in the OA.

4. In view of the limited prayer made by the learned counsel for the applicant, the OA is disposed of at this stage with a direction to the respondent No.3/competent authority to consider the representations dated 18.8.2009 (Annexure A/4) and 1.9.2011 (Annexure A/5) of the applicant regarding his promotion in accordance with the provisions of law and dispose of the same by passing a speaking order, a copy of which be communicated to the applicant within three months from the date of receipt of a copy of this order. It is clarified that we have not expressed any opinion about the merit of the OA while passing the order.

5. The OA stands disposed of as above with no order as to costs.

(SWARUP KUMAR MISHRA)
MEMBER (A)

(GOKUL CHANDRA PATI)
MEMBER (J)

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