

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK,**

**ORDER SHEET**

COURT NO. : 1

12/12/2018

O.A./260/572/2018  
FOR STAY

N PRASAD  
-V/S-  
M/O RAILWAYS

ITEM NO:9

FOR APPLICANTS(S) Adv. : Mr. N. Biswal

FOR RESPONDENTS(S) Adv.: Mr. T. Rath

Notes of The Registry	Order of The Tribunal
	<p>Heard Ld. Counsel for both the sides.</p> <p>Ld. Counsel for the applicant submitted that after punishment period the applicant's seniority should have been restored to the year 2011. However, in the provisional gradation list which has been circulated on 01.01.2017 copy of which is kept at Annexure-A/6 where his year of seniority has been shown as 2014.</p> <p>It is submitted that the applicant has filed representation dated 08.08.2018 (Annexure-A/7) before the Respondent No.1. He submitted that the grievance would be redressed at present if a direction is given to the Respondents for consideration of his representation regarding seniority and disposal.</p> <p>Ld. Counsel for the Respondents submits that the gradation list was published on 01.01.2017 and the applicant has submitted the representation dated 08.08.2018 (Annexure-A/7) after a delay of one and half years and has been addressed to the General</p>

Manager instead of Sr. Divisional Personnel Officer (Respondent No.3)/competent authority.

Ld. Counsel for the applicant explained that for the earlier provisional seniority list copy of such a representation was given to Respondent No.3/competent authority and no action was taken. He further submitted that the seniority list dated 01.01.2017 has not yet finalized and no final seniority list has been circulated so far.

In view of the above submissions, if the provisional seniority list has not been finalized, Respondent No.3/competent authority to whom a copy of the representation dated 08.08.2018 (Annexure-A/7) has also been addressed is directed to consider the representation dated 08.08.2018 (Annexure-A/7) as per the extant rules and dispose of the same by passing a speaking and reasoned order copy of which shall be communicated to the applicant within two months from the date of receipt of certified copy of this order. Applicant may also re-submit the copy of the said representation along with copy of this order to Respondent No.3/competent authority within seven days from the date of receipt of copy of this order and if this is given, the same shall be considered and dispose of within two months thereafter if the representation is pending and no decision is taken on the said representation of the applicant.

It is made clear that we have not expressed any opinion on the merit of this case while passing this order.

The O.A. is disposed of at the admission stage. No costs.

Copy of this order along with paper books be sent to Respondent No.1 within one week by speed post at the cost of the applicant for which Ld. Counsel for the applicant has agreed to deposit the postal requisites by 14.12.2018.

( SWARUP KUMAR MISHRA)  
MEMBER (J)

( GOKUL CHANDRA PATI)  
MEMBER (A)

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