

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTINGS:BILASPUR

Original Application No.203/01055/2019

Bilaspur, this Friday, the 22nd day of November, 2019

HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER
HON'BLE SHRI B.V. SUDHAKAR, ADMINISTRATIVE MEMBER

Indresh Kumar S/o Rajendra Rai aged about 38 yrs Occupation Office Superintendent Department Stores South Eastern Central Railway Bilaspur Resident of Quarter No.6/1 Type 3 N.E. Zonal Colony, Near Budhwari Bazar Bilaspur (C.G.) Mobile No.9752475778 495004
-Applicant

(By Advocate-Shri Avadhesh Kumar Mishra)

V e r s u s

1. Union of India, Through the Secretary, Ministry of Railway, Railway Bhawan 1 Raisena Road, new Delhi Rafi Marg 110001
2. The General Manager, 5th Floor New GM Building south East Central Railway Bilaspur (C.G.) 495004
3. The Principal Chief Personal Officer, Headquarter (Personal Department) 1st Floor G.M. Office, Bilaspur (C.G.) 495004
4. The Chief Office Superintendent P-5 Section, PCMM/SECR Bilaspur (C.G.) 495004
5. Prasanta Bain S/o Shri Indu Bhusan Bain presently working as Chief Office Superintendent in P-5 Section, PCMM/SECR R/o Quarter No.8/1 Type-3 N.E. Railway Zonal Colony Near Bhudhwari Bazar Bilaspur (C.G.) 495004
- Respondents

(By Advocate-Shri R.N. Pusty)

O R D E R (Oral)

By Ramesh Singh Thakur, JM:-

This Original Application has been filed by the applicant against the impugned order dated 24.07.2018 (Annexure A/1) along with its connected OM/order which was issued for filling up vacancy of one post of Chief Office Superintendent from among regular employees/Office Superintendent of Store Department, South East Central Railway (SECR). The respondent No.3 filled up such vacant post illegally by declaring the name of respondent No.5 without maintain reservation roster and without indentifying and reserving the post for one person with disabilities according to intention of the Rights of Persons with Disabilities Act and several circular, notification and office memorandum dated 24.07.2018 (Annexure A/1).

2. Learned counsel for the applicant submits that the applicant has submitted representations dated 27.06.2018 and 26.12.2018 (Annexure A/4 & A/5 respectively) to the

respondent-department, which is still pending for consideration.

3. Learned counsel for the applicant further submits that the applicant would be satisfied if the respondents are directed to consider the aforementioned representations of the applicant in time bound manner.

4. We have considered the submissions of the applicant and we are of the view that the natural justice will be served if the respondents are directed to decide the applicant's representations dated 27.06.2018 and 26.12.2018 (Annexure A/4 & A/5) especially when these representations preferred by applicant is still pending.

5. Resultantly, competent authority of the respondents are directed to decide the representation dated 27.06.2018 and 26.12.2018 (Annexure A/4 & A/5), with a reasoned and speaking order, within a period of 60 days after receiving the copy of this order.

6. It is made clear that we have not touched on the merits of the case.

7. We expect and hope from the respondent-authority that each and every points taken in the representations shall be dealt with while deciding the same as per law/rules.

8. Accordingly, this Original Application is disposed of, at admission stage itself. No costs.

(B.V. Sudhakar)
Administrative Member

(Ramesh Singh Thakur)
Judicial Member

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