

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

ORDER SHEET

COURT NO. : 1

22/11/2019

O.A./260/733/2019

GUNDUCHI CHHUALSINGH

-V/S-

M/O RAILWAYS

ITEM NO:8

FOR APPLICANTS(S) Adv. :

Mr. B. Mansingh

FOR RESPONDENTS(S) Adv.:

Mr. T. Rath

Notes of The Registry	Order of The Tribunal
	<p>Heard Ld. counsel for the applicant and Mr. T. Rath, Ld. Counsel entered appearance on behalf of the respondents. Registry to reflect the name of Mr. T. Rath, Ld. Counsel for the respondents in the cause list in future.</p> <p>The applicant had earlier approached this Tribunal in O.A. No.421/18 which was disposed of by this Tribunal vide order dated 10.08.2018 by giving direction that the applicant was filed representation before Respondent No.4 i.e., Additional Divisional Railway Manager, East Coast Railways for treating the period of unauthorized absence for regularization. Applicant's counsel submits that as Respondent No.4 was not competent to consider the said application taking into consideration the long period of absence, therefore subsequently the applicant has filed representation dated 10.05.2019 (Annexure-A/3). Now the applicant's counsel</p>

prays that a direction should be given to the General Manager, East Coast Railway (Respondent No.2) in this case for consideration and dispose of the said representation.

Mr. T. Rath, Ld. Counsel for the respondents submits that there is no merit in the submission of the applicant's counsel that the Respondent No.4 is not competent to consider the representation for passing any order for the period of unauthorized absence in question. He further submits that he has no instruction that the earlier representation of the applicant has disposed of or not.

However, without going into the said aspect as to whether there is no sufficient reason for the applicant to file this application before the Tribunal and if he should have approached this Tribunal for modification of that order. We are of the opinion that no purpose would be served by keeping this O.A. pending when the applicant's representation is pending. Hence, the O.A. is disposed of at the admission stage without expressing any opinion on merit, with a direction to Respondent No.2/competent authority to consider the representation of the applicant at Annexure-A/3 which is pending before the authorities and dispose of the same by passing a speaking and reasoned order, copy of which is to be communicated to the applicant within two months from the date of

receipt of a copy of this order.

The O.A. stands disposed of accordingly. No costs.

Urgent copy of this order to Ld. Counsel for both the sides.

(SWARUP KUMAR MISHRA)
MEMBER (J)

(GOKUL CHANDRA PATI)
MEMBER (A)