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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

Original Application No.241 of 1987.

Date of decision : November 16, 1989.

Sri Gopal Chandra Bindhani, son of
late Harihar Bindhani, Office Superintendent,
Grade II, Office of the Divisional Railway
Manager, S.E.Railways, Khurda Road.

...

Applicant.

Versus

1. Union of India, through
the General Manager, S.E.Railway,
Garden Reach, Calcutta-43.
2. The Divisional Railway Manager,
S.E.Railway, Khurda Road,
P.O./P.S.Jatni, Dist.Puri.

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Respondents.

For the applicant : Mr.S.N.Mishra, Advocate.

For the respondents : Mr.Ashok Mohanty,
Standing Counsel (Railways)

C O R A M:

THE HON'BLE MR.B.R.PATEL, VICE-CHAIRMAN

A N D

THE HON'BLE MR.N.SENGUPTA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? No.
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

JUDGMENT

N.SENGUPTA, MEMBER (J) In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays for the relief of a direction to the respondents to retain him in service in his present post till his writ application No. O.J.C. 2735 of 1987 pending in the Hon'ble High Court of Orissa is disposed of.

2. It is unnecessary to set out all the facts in detail, suffice it to say that a child of the applicant was admitted in the Kendriya Vidyalaya, Khurda Road on the production of a certificate certifying that the applicant belongs to a Scheduled Tribe community which after a subsequent enquiry has been cancelled. The applicant apprehends that due to such cancellation, his services may be in jeopardy. On this apprehension the relief has been sought for. It is further found from the averments that in the writ petition an order of stay has been passed by the Hon'ble High Court of Orissa for maintenance of status quo with regard to the cancellation of the certificate.

3. We have heard learned counsel for the applicant and Mr. Ashok Mohanty, learned Standing Counsel for the Railway Administration. It is unnecessary to state all the facts of the counter. Only a reference to paragraph 3 of the counter filed by the Railway Administration would be sufficient. In paragraph 3 it has been stated that in view of the stay order dated 15.9.1987 of the Hon'ble High Court of Orissa in O.J.C. No. 2735 of 1987, the Railway Administration is maintaining the status quo relating to the applicant as prior

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to the cancellation of the certificate by the Additional District Magistrate, Mayurbhanj till the writ application is decided in the High Court. In view of this averment in the counter, nothing remains to be done by this Tribunal so far as the relief sought for by the applicant is concerned.

4. This application is accordingly disposed of leaving the parties to bear their own costs.

Manjula
16.11.89
Member (Judicial)

B.R. PATEL, VICE-CHAIRMAN,

I agree.



Kushal
16.11.89
Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
November 16, 1989/Sarangi.