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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO: 365 OF 1991

Cuttack this the 28th day of October, 1994.

I. B. Patra and others	...	Applicants
Versus		
Union of India & Others	...	Respondents

(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters or not? *no*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not? *no*


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

26 OCT 94


(D. P. HIREMATH)
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO:365 OF 1991

Cuttack this the 28th day of October, 1994.

CORAM:

THE HONOURABLE MR. JUSTICE D.P. HIREMATH, VICE-CHAIRMAN
A N D
THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

..

1. Indu Bhushan Patra son of N. Patra aged about 57 years, OS.Gr.II, Office of the Divisional Mechanical Engineer, Khurda Road, Dist-Puri.
2. Pranabandhu Baral son of Gurubari Baral aged about 34 years, (senior Clerk), O/o Divisional Mechanical Engineer, Khurda Road, Dist-Puri.
3. Soumeyndra Kumar Pattnayak son of G.C. Pattnayak aged about 32 years, Head Clerk O/o Divisional Mechanical Engineer, Khurda Road, Dist-Puri.
4. Amarendra Patnaik son of M.R Patnaik, aged about 39 years, Senior Clerk, O/o Carriage Foreman(Special) Carriage and Wagon, Khurda Road, Dist-Puri.
5. Benudhar Patnaik son of B.B. Mohanty, aged about 41 years, Senior Clerk, O/o Divisional Mechanical Engineer, Khurda Road, District- Puri.
6. Hemkantlal Deo son of late K.B. Das aged about 46 years Head Clerk, O/o Divisional Mechanical Engineer, Khurda Road, Dist-Puri.
7. P. Suryanarayana son of late P.Appadu, 42 years, Senior Clerk, O/o the Divisional Mechanical Engineer, Khurda Road, Dist-Puri.

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8. P. Appa Rao, son of P. N. Rasimalu,
42 years, Senior Clerk, O/o the
Divisional Engineer, Khurda Road,
Dist-Puri.

9. Baikunthanath Singh son of D. Singh,
42 years, Junior Clerk, O/o the
Divisional Mechanical Engineer,
Khurda Road, Dist-Puri.

10. Sayullah Khan son of Isamali Khan
44 years, Head Clerk O/o the
Divisional Mechanical Engineer,
Khurda Road, Dist-Puri.

11. Bharati Mukherjee daughter of
late T.C. Mukherjee, 32 years,
Head Clerk, O/o the Divisional
Mechanical Engineer, Khurda Road,
Dist-Puri.

12. Daphue Benjamin, son of late L.A. Reburio,
47 years, Senior Clerk, O/o the
Divisional Mechanical Engineer, Khurda Road,
Dist-Puri.

13. R. Bhaskar Rao, son of late R. Kamiah,
40 years, Junior Clerk O/o the
Divisional Mechanical Engineer,
Khurda Road, Dist-Puri.

14. Rama Chattopadhyay, son of late K.D.
Chattoryee, 28 years, Senior Clerk,
O/o the Divisional Mechanical Engineer,
Khurda Road, District- Puri.

15. Mousumi Bose, D/o-Shri P.L. Bose,
21 years, Junior Clerk, Khurda Road
Divisional Mechanical Engineer, Dist-Puri.

16. Laxmidhar Parida, son of Shri L. Parida,
46 years, Head Clerk, O/o the Loco Foreman,
Puri.

17. Hrushikesh Patnaik, son of B.B. Patnaik,
46 years (O.S.), Gr.II, O/o the Carriage
Foreman(special) Dist-Puri

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18. Ajay Kumar Bhattacharya, son of late Satya Chandra Bhattacharya, 50 years, Chief Clerk, O/o Carriage Foreman (Special) Puri.

19. Narayan Singh, son of B.D.Singh, 37 years, Head Clerk, O/o the Carriage Foreman (Special) Dist-Puri.

20. Mohan Charan Swain, son of Shri L.Swain, 36 years, Head Clerk, Carriage Foreman Office (Special), Puri.

21. Ramesh Chandra Das, son of late U.Barik, 40 years, Head Clerk, O/o the Divisional Mechanical Engineer, Khurda Road, Dist-Puri.

22. Ullash Chandra Jena, son of R. Rout, 41 years, Senior Clerk, O/o the Loco Foreman, Khurda Road, Puri.

23. Bidyadhar Samal, son of S.K.Samal, 46 years, Head Clerk, O/o the Loco Foreman, Khurda Road, Puri;

24. Sk. Md. Sikandar son of Dilbar Mohammad, 54 years, Head Clerk, O/o the Loco Foreman, Khurda Road, Puri.

25. Tisree Ramlu son of Tmukunda Reddy, 42 years, Senior Clerk, O/o the Loco Foreman, Khurda Road, Puri.

26. D.Krishna Gopal, son of Shri D.Gopalam, 25 years, Junior Clerk, O/o the Loco Foreman, Khurda Road, Dist-Puri.

27. M.D.Tafzul Hussain son of late M.D. Moqbool, 54 years, Head Clerk, O/o the Loco Foreman, Khurda Road, Puri.

28. Kanhu Charan Sahoo, son of late L.R.Sahoo, 42 years, Head Clerk, O/o the Loco Foreman, Khurda Road, Puri.

29. S.Adinarayana son of late S.Appalaswamy, 46 years, Head Clerk, O/o the Loco Foreman, Khurda Road, District-Puri.

30. J.J. Francis son of late Mr. E. Francis, 29 years, Junior Clerk, 0/o the Loco Foreman, Khurda Road, Puri.

31. B. Subrahmanyam son of late B. Kankaiah, 54 years, OS II, 0/o the Loco Foreman, Khurda Road, Puri.

32. M.P. Ranga Rao son of M. Laxman Surya, 42 years, Junior Clerk, 0/o the Loco Foreman, Khurda Road, Puri.

33. Dilip Kumar Patra son of late J. Patra, 30 years, Junior Clerk, 0/o the Loco Foreman, Khurda Road, Puri.

34. M. Hanumanta Rao son of late M. Appa Rao, 55 years, OS II, Carriage Foreman (Special) 0/o Khurda Road, Puri.

35. Ramesh Chandra Mohanty, son of late Biswamber Mohanty, 41 years, Senior Clerk, 0/o the Carriage Foreman (Special), Khurda Road, Puri.

36. A. Surya Rao, son of Appa Rao, 48 years, Head Clerk, 0/o the Carriage Foreman (Special) Khurda Road, Puri.

37. Pandab Sahu, son of late Narayan Sahu, 53 years, Head Clerk 0/o the Carriage Foreman (Special), Khurda Road, Puri.

38. K. Dalayya son of Kistamma, 54 years, Head Clerk, 0/o the Foreman Loco Palasa, Dist-Ganjam.

39. L. S. S. Sarma, D/o-late Rama Murty, 44 years, Senior Clerk, 0/o-the Loco Foreman, Palasa, Ganjam.

40. Md. Siddique, son of Md. Ishaque, 55 years, Head Clerk, 0/o the Loco Foreman, Palasa, Ganjam.

41. P. Ramachandra Rao, son of P. Satti Raju, 41 years, Senior Clerk, 0/o the Loco Foreman, Palasa Dist-Ganjam.

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42. Md. Kahamtullah, son of Md. Kalimullah, 50 years, Junior Clerk, 0/o the Loco Foreman, Palasa, Ganjam.

43. Md. Yunus son of M.A. Shariff, 45 years, Head Clerk, 0/o the Carriage Foreman, Cuttack.

44. R. Ganapati R. Thamaiah, 41 years, Head Clerk, 0/o the Loco Foreman (Special) Khurda Road, Puri.

45. Chittaranjan Nanda, son of late B.S. Nanda, 29 years, Junior Clerk, 0/o the Loco Foreman (Special) Khurda Road, Puri.

46. Rama Chandra Pradhan, Kunja Pradhan, 45 years, Head Clerk, 0/o the Foreman (Special), Khurda Road, Puri.

47. P. Balaji, son of P. Kurmanna, 48 years Senior Clerk, Office of the Loco Foreman, Khurda Road, Puri.

48. Azhar Muhammad, son of A.R. Muhammad, 46 years, Junior Clerk, 0/o the Loco Foreman, Khurda Road, Puri.

49. Abdul Halim, son of Abdul Majid, 40 years, Junior Clerk, 0/o the Loco Foreman, Khurda Road, Puri.

50. Madhusudan Das, son of Raghunath Das, 42 years, Senior Clerk, 0/o the Loco Foreman, Khurda Road, Puri.

51. K.V. Raghava Rao, 42 years, son of K. Ganga Rao, 0/o the Loco Foreman, Khurda Road, Puri (Junior Clerk).

52. Paramananda Behera, son of Bikhari Behera, 55 years, Head Clerk 0/o the Wagaon Foreman, Bhadrak Dist-Balasore.

53. K.S. Panda, son of H.H. Panda, 42 years, Senior Clerk, 0/o the Wagaon Foreman, Bhadrak Dist-Balasore.

54. A.K. Dutta son of late D.K. Dutta, 54 years, OS Gr.II, 0/o the Loco Foreman, Bhadrak Dist-Balasore.

55. Babaji Charan Barik, son of late A. Barik
49 years, Head Clerk, O/o the Loco
Foreman, Bhadrak, Dist-Balasore.

56. M.D. Naik, son of B.B. Naik, 52 years,
Head Clerk, O/o the Loco Foreman,
Bhadrak, Dist-Balasore.

57. T. Padmavati, d/o late T. Yethirajan,
29 years, Senior Clerk, O/o Loco
foreman, Bhadrak, Dist-Balasore.

58. Akshya Kumar Mallick, son of late Mani
Charan Mallik, 27 years, Senior Clerk,
O/o Loco Foreman, Bhadrak, Dist-Balasore.

59. Laxmidhar Jena, son of late P. Jena,
40 years, O/o Loco Foreman, Bhadrak,
Dist-Balasore.

60. Backiam Peter, son of late M. Mami,
58 years, Head Clerk, O/o the Loco
Foreman, Bhadrak, Balasore.

61. Gayadhar Naik, son of late Rushi Naik,
56 years, Head Clerk, O/o the Loco
Foreman, Bhadrak, Balasore.

62. Dibakar Naik, son of Panchu Naik,
47 years, Head Clerk, O/o the Loco
foreman, Bhadrak, Balasore.

63. Sukanta Kumar Balia singh, son of late
L.N. Balia singh, 30 years, Senior Clerk,
O/o Loco Foreman, Khurda Road, Puri.

64. G. Narayanaswamy, son of G. Boddy, 44 years,
Senior Clerk, O/o the Loco
Foreman, Khurda Road, Puri.

65. K.N. Behera, son of P. Behera, 30 years,
Senior Clerk, O/o the Carriage Foreman
(Special), Paradeep, Dist-Cuttack.

66. A.K. Debata, son of P.M. Debata,
30 years, Senior Clerk, O/o the Senior
Clerk, Loco Foreman, Cuttack.

... Applicants.

By the applicants ... M/s. S.K. Dash, B. Satpathy,
P.R. Panda, Advocates.

-Vrs.-

1. Union of India,
represented by the General Manager,
South Eastern Railway, Garden Reach,
Calcutta-43.
2. Divisional Railway Manager,
South Eastern Railway, Khurda Road,
Dist-Puri.
3. Divisional Personnel Officer,
South Eastern Railway, Khurda Road,
Dist-Puri. Respondents.

By the Advocates ... Mr. R.C. Rath,

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O R D E R

D.P. HIREMATH, V.C. The petitioners who are ⁱⁿ ministerial cadre of Mechanical Division in the Respondents Railways have prayed for extending the benefits given by this Tribunal in T.A. No.77 of 1987 (arising out of O.S. No.54 of 1985 in the Munsif Court, Bhubaneswar). In that suit, the plaintiffs were employees of the personnel Department of the Divisional Personnel Officer, South Eastern Railway. This Tribunal heard the suit which stood transferred under section 29 of the Administrative Tribunals Act, 1985 and directed that the reservation must be in the promotional grades of the posts and not of the vacancies and to that extent the Railway Board's

Circular letter dated 29.4. 1970 is invalid and the plaintiffs succeed to this extent. Accordingly it was held that the plaintiffs are entitled to for promotion and because they have been promoted, in the meanwhile, during the pendency of the proceeding, cost was not directed. The present applicants also claim, the same benefits and even in O.A. No. 378 of 1991 similarly benefits were extended to Mechanical Engineering Section and in O.A. No. 248 of 1991, the petitioners who are Civil Engineers also got benefits in terms of the order of this Tribunal in the aforesaid petition. Once the Tribunal held that the Railway Board's Circular dated 29.4. 1970 is invalid, there should be no impediment in extending the benefits given to the employees of the different sections in the same Railways and to the present petitioners as well.

In view of the settled position flowing from the judgment of the Tribunal aforesaid, we do not find any further direction is necessary. Accordingly, the application is allowed and the petitioners are entitled to the benefits conferred on the petitioners in the said T.A. No. 77 of 1987 as per Annexure-2. No costs.


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

28 OCT 92
Central Admin. Tribunal,
Cuttack Bench/KNM


(D.P. HIREMATH)
VICE-CHAIRMAN