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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

Original Application No. 68 OF 1991

Date of decision: February 4, 1994

P.K.Mohapatra and others	...	Applicant
Versus		
Union of India & Others	...	Respondents

(For Instructions)

1. Whether it be referred to the reporters or not? *M*
2. Whether it be circulated to all the Benches of *M* the Central Administrative Tribunals or not?

*H.Rajendra Phasad*  
(H.RAJENDRA PHASAD)  
MEMBER (ADMINISTRATIVE)

04 FEB 94

*KN 4.2.94*  
(K.P.ACHARYA)  
VICE CHAIRMAN

14 (7)

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		Versus
Union of India and others	...	Respondents
For the Applicants	...	M/s C. S. Lucy, C.M.K.Murty S.K.Rath, Advocates.
For the Respondents	...	Mr.B.Pal, learned Senior Standing Counsel(Rly.).
		....

CORAM:

THE HONOURABLE MR.K.P.ACHARYA, VICE-CHAIRMAN  
&  
THE HONOURABLE MR.H.RAJENDRA PRASAD, MEMBER (ADMN.)

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ORDER

K.P.ACHARYA, V.C. In this application under section 19 of the Administrative Tribunals Act, 1985 the petitioners pray that in view of the facts mentioned in para 4 ~~above~~  
<sup>by</sup> orders contained in Annexures 2, 7, 8, 9 and 10 be quashed and further direction be issued to the Opposite Parties to permit the petitioners to appear in the Departmental Competitive Examination scheduled to be held on 23rd and 24th March, 1991.

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2. Shortly stated the case of the Petitioners (22 in number) is that they are Graduate Engineers and have been employed as I.O.W, Grade-I, Head Estimators, Head Drafts Man, Bridge Inspector, Design Assistant etc. The Post of Assistant Engineer (Group-B) is only available to be filled up by way of promotion. The minimum qualification is Diploma in Civil Engineering. From the year 1987 in accordance with the decision taken by the Railway Board, 84 posts were filled up on promotion as well as <sup>by</sup> direct recruitment. In a ~~crux~~ it may be said that the petitioners want that the Opposite Parties should be restrained from insisting on them to appear at the limited Departmental competitive Examination. Therefore, this application has been filed with the aforesaid prayer.

3. The stand taken by the Opposite Parties, in their counter, is exactly the same as that of the cases forming subject matter of Original Application Nos. 79 of 1991 and 33 of 1991 disposed of on August 5, 1993. Therefore, details need not be stated.

4. While disposing of the cases forming subject matter of Original Application Nos. 79 of 1991 and 33 of 1991, we had given reasons in extenso as to why we are of opinion that those cases are devoid of merit. They need no repetition. Cases of the Present petitioners  
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being exactly similar to the cases of the petitioners in Original Application Nos.79 and 33 of 1991, we would direct that the findings and the reasonings given in the said judgment, would be fully applicable to the facts of the present case. Hence in accordance with the view taken in the judgment passed in those two cases, we would hold that this particular case namely Original Application No.68 of 1991 is devoid of merit and hence dismissed after hearing Mr.B.Pal learned Senior Standing counsel (Railways) and Mr.C.M.K.Murty learned counsel appearing for the petitioners. No costs.

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Member (Administrative)  
04 FEB 94.

L.T.C. 4.2.94  
Vice-Chairman

Central Admn. Tribunal,  
Cuttack Bench/K.Mohanty  
4th February, 1994.