

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO: 726 OF 1993

Date of decision: April 28, 1994.

Minakhi Ray

...

Applicant

Versus

Union of India & Others

...

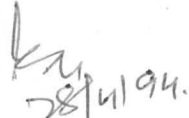
Respondents

(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))

28 APR 94


K.P. ACHARYA
VICE CHAIRMAN

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Respondents

For the Applicant : Mr. S.C. Samantray, Advocate

For the Respondents : Mr. D.N. Mishra, Standing Counsel
for the Railway Administration.

CORAM:

THE HONOURABLE MR. K.P. ACHARYA, VICE CHAIRMAN

AND

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

JUDGMENT

K.P. ACHARYA, V.C.

In this application under section 19 of the Administrative Tribunals Act, 1985, the Petitioner prays for a direction to the Opposite Parties to give her an appointment in any post commensurate with her educational qualification.

2. Petitioner while working as a casual labourer (female khalasi) from the year 1971-73 under the Inspector of Works (Construction) III, Jaipur (Paradeep Line) her services have been dispensed with w.e.f.

23.9.1973 therefore, this application has been filed with the aforesaid prayer.

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3. In their counter, the Opposite Parties maintained that since no posts are available to be filled up, the application of the petitioner should be in limine dismissed.

4. We have heard Mr. S.C. Samantray learned counsel appearing for the Petitioner and Mr. D.N. Mishra learned Standing Counsel for the Railway Administration.

5. Mr. Samantray learned counsel appearing for the petitioner during the course of argument submitted that a representation has been filed by the petitioner Smt. Minakhi Ray which is pending consideration by the Opposite Party No.5. That has not been disposed of as yet. Mr. D.N. Mishra learned Standing Counsel submitted that this is absolutely a false information given by the Petitioner because no such representation has ever been addressed by the petitioner to any authority. Be that as it may, the petitioner is directed to file a representation within three weeks from today before the Opposite Party No.4 i.e. Chief Workshop Manager, Mancheswar and it is further directed that the Opposite Party No.4 should dispose of the representation to be filed by the petitioner with a reasoned/speaking order keeping in view the provisions contained in Rule 5.4.1 of scheme x familiarly known as 'Policy for filling up of posts in Mancheswar Carriage Repair Workshop' communicated

to all concerned by the CPO, Garden Reach, Calcutta vide his letter No. 3/L/13/M/Post/C&W/MCS dated 22nd December, 1980. We hope and trust, the representation to be filed by the petitioner will be disposed of by the Opposite Party No. 4 within one month from the date of filing.

6. Thus, the application is accordingly disposed of leaving the parties to bear their own costs.


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MEMBER (ADMINISTRATIVE)

28 APR 94


28/4/94
.....
VICE-CHAIRMAN

Central Admn. Tribunal,
Cuttack Bench, K. Mohanty
28.4.94.