

Order dated 27.11.2002

Heard Shri A.Kanungo, Advocate for the Applicant and Shri Ashok Mohanty, learned senior counsel appearing for the Respondents.

Having served the Railways for 20 days during 1981 and 4 days during 1982 (as a Waterman in Summer/during Car Festival at Puri) the Applicant has filed this Original Application on 26.03.2001, seeking direction for absorption in the Railway service. While considering the interim prayer of the Applicant, following orders were passed on 20.4.2001, by a Division Bench :-

" By way of interim relief applicant prays that he had worked earlier in 1981 and 1985 as hot weather Waterman. He has also stated that after his last engagement he had every year approached for engagement. It is submitted by learned counsel for the applicant that summer season is approaching and the Departmental Authorities are going to engage hot weather waterman and in such engagement, as a disengaged candidate, his candidature should be taken into consideration. In view of the abovesubmission, prayer for interim relief is disposed of with a direction to the Departmental Authorities that in case the Respondents engage hot weather waterman in summer season and in case such engagement has not already been done and in case the applicant has applied for the post and he had earlier worked in that capacity, then his candidature should be taken into consideration giving preference to him over fresh faces".

Having heard the learned counsel of both sides and having perused the pleadings placed on record, I am satisfied that no further relief can be granted to the Applicant; save and except what has been granted to him already by way of interim order on 24.4.2001.

In the aforesaid premises, this O.A. is disposed of by way of giving direction to Respondents to give Preference to the applicant over fresh faces as and when

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they decide to engage Not Weather Waterman during summer season or during Car Festival; in case the Applicant makes himself available by making due application. No costs.

Send copies of this order to Respondents and free copies of this order be made available to the learned counsel of both sides.

MEMBER (JUDICIAL)

27/11/2002

Copy on order
dt. 27/11/02 issued
to all the respects
by post.

The same copy
of order issued
to the counsel
for both sides

By
28/11/02

Application on 26.03.2001, seeking direction in the Railway service. While considering the prayer of the Applicant, following orders were passed on 20.4.2001, by a Division Bench :-
"By way of interim relief Applicant prays that he had worked earlier in 1982 and 1983 as a Not Weather Waterman. He has also been employed after his last engagement and he has been approached for engagement. It is submitted by learned counsel for the Applicant that summer season is approaching and the Departmental Authorities are going to consider the candidature of waterman and in such event Applicant should be taken into consideration. In view of the above facts, with a view to the Applicant's interest, a direction is given for interim relief to the Applicant that in case the Respondent engages Not Weather Waterman in summer season and in case such engagement has not already been done and in case the Applicant has applied for the position and he has earlier worked in that capacity, then his candidature should be taken into consideration giving preference to him over fresh ones."
Having heard the learned counsel of both sides and having perused the pleadings placed on record, I am satisfied that no further relief can be granted to the Applicant; save and except what has been granted to him already by way of interim order on 24.4.2001.
In the aforesaid premises, this O.A. is disposed of by way of giving direction to Respondents to give preference to the Applicant over fresh ones as and when