

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Rejoinder filed.

Counter by
newly app.
Party notFiled for brother
orders. Bench
18/12Order Dated 28.11.01

At request further two weeks time
is allowed to newly added respondents
to file counter.

Adjourned to 19.12.01.

S. Samantray
vice-Chairman
28/11Order dated 19.12.2001

Heard Shri S.C.Samantray, learned
counsel for the petitioners, Shri G.Rayatsingh,
learned counsel for intervenors and Shri Ashok
Mohanty, learned senior counsel appearing for
the respondents (Railways). With the consent of
learned counsels for the parties, the matter
is taken up for hearing and final disposal.

It is not necessary go into too many
facts of this case for disposing of this O.A.
It is only necessary to note that Direct Recruit
Diesel Driving Assistants recruited through the
Railway Recruitment Board had earlier approached
the Tribunal in Original Application No.398/99,
which was partly allowed in order dated
7.11.2000. wherein it was directed that the
Direct Recruits and the Promotees should be
sent for training not on the basis of their
seniority, but on the basis of their eligibility
taking into account differing service
experience requirement for Direct Recruits
and the Promotees. The present O.A. has been
filed on the ground that notwithstanding the
above direction of the Tribunal the departmenta

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Free copy
of the order
dt. 19-12-01 given
to the both
counsel.

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authorities are sending D.D.As for training in order of their seniority. At the instance of learned counsel for the petitioners stay order was given indicating that D.D.As should be sent for training only with the leave of the Tribunal. At present ^{it appears} from the submissions of the learned counsels for the parties that because of this stay order no D.D.A. has been sent for training. It is also the admitted by both sides that at present there are adequate number of seats ^{available} ~~are vacant~~ for DDAs to undergo training. In consideration of this, we dispose of this O.A. with direction to departmental authorities that depending upon the number of seats ^{available} ~~taken~~ in S.T.C., Kharagpur, all the DDAs be sent for training and while sending them for training such deputation should be done strictly in accordance with the order dated 7.11.2000 passed by the Tribunal in O.A.398/99.

We make it clear that besides the above direction we express no opinion on the conflicting ^{stand} ~~situation~~ of the parties raised in this O.A. ^{on other point} ~~There shall, however, be no order as to costs.~~

[Signature]
MEMBER (JUDICIAL)

[Signature]
VICE-CHAIRMAN
19.12.2001