

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

counter not

filed.

*Patra*  
21/3

Regd.

22.3.2002.

Ld counsel for the applicant is present. Sh. D.N. Mishra has filed vakalatnama for R-4 and prays for time to file counter. Heard. Time granted till 12-4-2002 for counter. Other Respondents are absent and no steps taken by them.

*21*  
22/3/2002

REGISTRAR

counter not  
filed.

*Patra*  
11/4

Regd.

Dt. 12.4.2002

Ld. Counsel for the applicant is present. Ld. Standing Counsel for the R-4 prays for further time to file counter which has been objected by Ld. Counsel for the Applicant. However, time is granted as last chance till 22.4.2002 to file counter.

*21*  
22/4/2002

REGISTRAR

Order dated 17.9.2002

Heard Shri P.Jena, Advocate for the Applicant and Shri D.N.Mishra, Standing Counsel for the Respondents/Railways.

Applicant, who was initially engaged as a Casual Motor/Driver in the Railways was taken to regular Group D Establishment w.e.f. 28.6.1993. By filing this Original Application, virtually, he has prayed for a direction to the Respondents to take him <sup>as</sup> Group C post/Grade-III Driver. The Advocate for the applicant has tried to make out a case by showing an order dated 7.6.1990 that one Shri A.Satyanarayan, <sup>who</sup> although was appointed with him as casual motor driver, has already been taken <sup>as</sup> Driver to Gr. III, and yet he (applicant) has not been taken as Driver, Gr.III, even though vacancies are available.

Existence of vacancies is not enough to seek a direction from the Tribunal for being absorbed. One has got only a right for being considered. In this view of the matter, we direct the respondents to consider the case of the applicant (Rajanikant Panda) for being taken to Group C post/Driver, Gr.III as against one of the vacant post in his turn.

With this observation and direction, this O.A. is disposed of without imposing any costs.

VICE-CHAIRMAN

MEMBER (JUDICIAL)

*Shant*  
17/09/2002