



NOTES

FORM No. - 4

See Rule (12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH

ORDER SHEET

Original Application No. 289 of 200 3
 Applicant(s) Lingarej Respondent(s) Union of India
 Advocate for Applicant(s) Mr. Achintya Das Advocate for Respondent(s)

NOTES OF THE REGISTRY**ORDERS OF THE TRIBUNAL**

9. P.O. for Rs. 55/- filed.
 for consideration pl.

REGISTER

23/5/2003
RegistrarOrder No. 1 dated 23.5.2003

Heard Shri Achintya Das, Advocate for
 the applicant and Shri R.C. Rath, learned
 Standing Counsel (on whom a copy of this O.A.
 has been served) appearing on behalf of the
 Respondents/Railways.

Raising a grievance against the
 Respondents' inaction in responding to his
 representations dated 26.12.2000 and 7.4.2003
 (Annexures-A/7 and A/8 respectively) and

S.O. (J)
DB
12/5/03S.O. (J)
DB
21/5/03

Defects have been
 removed.

Registrar

21.05.03

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OA 289/03

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

For Admission

R
22/5/03

Berch

Or. No. 1

Copy of order
dt. 22.05.03 alongwith
copy of OA communicated
to all respds. Copy of
said order prepared
for counsels for both
sides.

for
12/6

OK
20/12/03

praying before the Tribunal to issue directions to Respondents-Railways to ante date his date of regularisation w.e.f. 1.4.1973, the applicant (Lingaraj), who retired from railway service on superannuation on 31.10.2000 having his services been regularised against Group-D (P.C.R.) w.e.f. 01.02.1991, in this Original Application under Section 19 of the A.T. Act, 1985, has played the astute trump card, a circular/letter dated 13.8.2001 (issued from the Office of the C.P.O./GRC) in support of his claim. The relevant circular/letter dated 13.8.2001 issued to D.R.M.(P) of various Divisions of the Railways stipulates as under:

" Sub: Regularisation of services of Railway employees w.e.f. 1.4.1973 against PCR Post :

Of late the Railway Administration has been facing a huge number of Court Cases arising out of prayer for seeking the benefit of regularisation of services of Railway employees who were on the roll of Construction Unit and who had completed three years of continuous service. They are mainly aggrieved by the fact that many junior employees have got the same benefit by virtue of the verdict delivered by the Hon'ble CAT/CAL in earlier cases.

As desired by CPO, a Committee comprising of Dy.COP(HQ)/GRC and Sr.DOP/IGP has been constituted which will go through the pending court cases of similarly situated and circumstanced in nature and indicate suitable course of action.

You are therefore, requested to locate/identify such cases and inform the said Committee for appropriate action accordingly".

By bringing the aforesaid letter/circular of the Railways, to the notice of the Tribunal, the learned counsel for the applicant

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prayed for a direction to Respondents/Railways to place the matter/his grievance before the Committee set up for the purpose of deciding the issue as raised in this Original Application. Shri R.C. Rath, learned Standing Counsel submitted that he does not have any objection for the applicant's case being considered by the aforesaid Committee, but he is not certain whether after bifurcation of S.E. Railways, the said Committee is in existence to consider the cases of this nature.

In the aforesaid premises, without entering into the merits of the case, we direct the Respondents-Railways to place the grievances of the applicant (as raised in this O.A.) before the Committee constituted in pursuance of circular/letter dated 13.8.2001, provided that the said Committee is a standing Committee and is considering the cases of this nature, ^{the Respondents will be well advised} otherwise to constitute a Committee to consider the cases of this nature, which shall consider the case of the applicant under the relevant rules and instructions on the subject at the earliest despatch.

With this, we dispose of this Original Application at the stage of admission. No costs.

[Signature]
VICE-CHAIRMAN 23/5

[Signature]
MEMBER (JUDICIAL) 23.08.03

Late - Registry to send copy of this order to the Respondents (along with copy of this O.A.) and free copy be also given to Counsels appearing for the parties

[Signature]
S.M. (5)