

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Dr. Dr. 8.11.03

Notice/ Copies of order issued to all respds. and copies of said order prepared for counsels for both sides

D.P.B.
S.J.U.M.R

ADS. not back.
App. Memo/contr
not filed.

Regr

Dt. 24.11.03

The learned counsel for the applicant is present. A.D.s not returned from any respondents.

A wait return of ADS
till 15.12.03.

D.P.B.

REGISTRAR

Except R-5 & 7, A.D.s
back from all respds.
App. Memo/contr
not filed.

12/12

Regr

Notices and free copies of this order be given to learned counsel for the Applicant and Mr. R.C. Rath, learned Standing Counsel for the Railways; on whom a copy of this O.A. has been served.

Yours
S. J. U. M. R.
Member (Judicial)

Order dated 29.6.2004

Heard Shri N.R. Routray, learned counsel for the applicant and Shri O.N. Ghosh, learned Addl. Standing Counsel appearing on behalf of the Respondents.

Applicant claims to be the casual Khalasi under the Railways since 1966 and reengaged in 1975 by placing his name in the live casual register. He has claimed that he has been given temporary status w.e.f. 1.1.1981 and taken to regular establishment of the Railways with effect from 25.9.1987 and, ultimately, faced retirement from service w.e.f. 31.12.1996. It is the case of the applicant that whereas other casual Khalasies engaged with him (who were also conferred with temporary status w.e.f. 1.1.1981) got the benefit of ante-dated regularisation w.e.f. 1.4.1973, this he has been deprived of the said benefit and thereby he has been discriminated. In this regard, the applicant has arraigned Res. Nos. 7 and 8 (viz. S/Shr H.H. Mohapatra and A. Sarangi, respectively) in the present O.A. as an instance.

It is the admitted position that the grievances of the kind as raised by the

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Dt. 15/12/03

Ld. Counsel for the applicant is present. None has appeared on behalf of the Respondents. Time is granted till 16/01/04 for filing the Appearance Memo and Counter Reply.

Done -
17/12/03
Registrar

App Memo/counter
not filed

For
16/1/04

Regr

Order dt. 16.1.04

Ld. Counsel for the applicant is present. Mr. O.N. Ghosh, Ld. ASC has entered appearance by entering appearance by R-1 and R-3 prays for 04 weeks time to file for counter. Heard. R-2, R-4, R-6 and R-8 concur to R-5 and R-7 remain absent and the steps taken by them to file any counter. A.R.D. is not yet returned from R-5 and R-7 although notices by Regd. post sent to them on 14.10.03. Hence, severies are treated sufficient on them.

Call on 23.2.2004
for filing of counter.

Done -
16.1.04
REGISTRAR

applicant in this O.A. are being examined by the Railways by setting up a committee (Para-6 of the counter). In the aptness of things, it would be prudent if the grievances, as raised by the applicant in this O.A., are remitted to Respondents-Department to be placed before the appropriate Committee for being examined and I am sure that the said Committee will also look into the allegation of the applicant with regard to discriminatory treatment meted out to him by the Respondents. Ordered accordingly.

While issuing the above direction, liberty is hereby given to the applicant to put up a consolidated representation before the Respondents within 15 days hence and, in the circumstances, the Respondents will be well advised to put up the matter before the Committee constituted for the purpose and take a final view over the matter under intimation to the applicant.

With the above observation and direction, this O.A. is disposed of. No costs.

✓ *29/01/04*
MEMBER (JUDICIAL)