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O.A. No. 1466/03

ORDER DATED 4th FEBRUARY, 2008

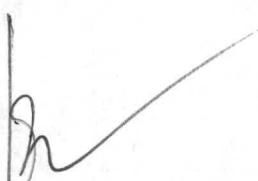
Coram:

Hon'ble DR. K.B.S. Rajan, Member(J)

Hon'ble Shri C.R. Mohapatra, Member(A)

Heard Mr. J. Sengupta, Ld. Counsel for the applicant and Mr. S.K. Ojha, Ld. Standing Counsel for the Railways appearing for the Respondents. M.A. 373/03 for permission to prosecute this case jointly is allowed.

2. The applicant is aggrieved by order dated 31.07.02 (Annexure-5) whereby the Limited Departmental Examination for promotion to the post of P. Way Supervisor stood cancel/^{ed} on certain procedural irregularities. The Ld. Counsel for the applicant submits that the very same order was under challenge in O.A. No.779/02 which was disposed of vide order dated 30.03.04 and the operative portion reads as under:-


"In the circumstances, this Original Application succeeds and we direct the Respondents to re-notify the vacancies giving reasons for reduction in the number of vacancies and also to clarify that the candidates having 10+2 with Science and Mathematics will be considered first for the vacancies notified and in case of shortfall those having Matriculation/HSLC qualification will be considered for selection and appointment".

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3. The Ld. Counsel for the applicant further submits that this order has been challenged before the Hon'ble High Court by the Respondents and notice has been issued.

4. As the aforesaid order is in respect of the very same impugned order we are of the considered opinion that the said order shall govern this O.A. as well. It is needless to mention ~~here~~ that the final outcome of the Writ Petition filed by the Respondents against the aforesaid order shall equally bind the applicant in this O.A. Accordingly this O.A. is disposed of at the admission stage. No order as to costs.

5. Copy of this order may be sent to the Respondent No.4 separately.


Member(A)


Member(J)

K.B