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ORDER NO.2 DATED: 14.02.06

Heard Mr. Biswal, Ld. Counsel appearing for the Applicant and Mr. R.C.Rath, Ld. Standing Counsel for the Railways; on whom a copy of this brief has already been served.

2. Applicants are engaged as Jr. Clerks, Sr. Clerks, Head Clerks and Office Superintendents in the office of the Controller of Stores of East Coast Railways having headquarters at Chandrasekharpur/Bhubaneswar. Under Annexure-8 dated 30.01.2006, regular Office Superintendents (both I and II), regular Head Clerks and regular Sr. Clerks have been asked to exercise option to join the UPC cadre as Purchase Superintendent, Purchase Assistant, Chasing Inspector and Sr. Clerk-cum-Typist. Under the said Annexure-A/8, last date for exercising option has been fixed to 15.02.2006. It appears, instead of exercising their option in one way or other, all the 13 Applicants, along with others, have represented to the Chief Personnel Officer of East Coast Railways pertaining to formation of cadre of COS in headquarters office and pertaining to the option called for UPC cadre. The Respondents, being the cadre controlling authorities, are the best judge in the matter of formation of cadre or curving out of cadre from out of one or more cadre. That being the position, the Applicants have rightly approached the Respondents in their representation filed under Annexure-A/9 dated 01.02.2006. Mr. Biswal, Ld. Counsel appearing for the Applicant, has, in the circumstances, prayed for issuance of direction to the Respondents to dispose of the representation of the Applicants expeditiously, so that they can exercise their option in one way or other.



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3. Mr. Rath, Ld. Standing Counsel for the Railways was also heard in extenso, in the matter.

4. Having heard Ld. Counsel for the parties and having perused the materials placed on record, this case is hereby disposed of with direction to the Respondents to consider the grievances of the Applicants, as raised under annexure-9 dated 01.02.2006, by end of March, 2006 and the last date fixed under Annexure-A/8 dated 30.01.2006 for exercise option need, accordingly, be extended (for the Applicants) by the Respondents/Railways.

5. Extension of time for exercise of option need, in all fairness of things, be extended till end of February, 2006. It may be noted by the Respondents that option to be exercised by the Applicants (by end of February, 2006) shall be without prejudiced to their representation filed under annexure-A/9 dated 01.02.2006 and, in the event anything more is required, after giving consideration to the representation of the Applicant, the Respondents may give further chance to the Applicants to revise their option.

6. With the aforesaid observation and direction, this case stands disposed-of at the admission stage.

7. Send copies of this order to the Respondents, along with copies of the Original Application, and free copies of this order, with copies of the Cause Title of the Original Application, be supplied to the Ld. Counsel appearing for both the parties.

*ashutosh 11/02/06*  
MEMBER (JUDICIAL)