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O.A. No. 131 of 2007  
Chandra Sekhar Behera ... Applicant  
Versus  
UOI & Ors. ... Respondents  
.....

1. Order dated 13th November, 2009.

C O R A M  
THE HON'BLE MR.JUSTICE K.THANKAPPAN, MEMBER (J)  
A N D  
THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (A)  
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The Applicant while working under Ch.CC/TIG of Mechanical Department as Loco Pilot (Mail/Express) in scale of Rs.6000-9800/- (RPS) was medically screened on 09.02.2007 and found suitable for the post of Crew Controller instead of the post in which he was working. Accordingly, he was posted at TIG under ADME/TIG in Mechanical Department with instruction to be engaged only in day shift vide order under Annexure-A/4. Alleging such posting of the applicant was not in accordance with the Rules and instructions issued under Annexure-A/7 he has approached this Tribunal in the present OA seeking to quash the order under Annexure-A/4 and sought direction to the Respondents to give him posting in terms of Annexure-A/7. Further stand of the Applicant is that this case is fully covered by the decision earlier decided by this Tribunal in **OA Nos.715 and 911 of 2006 decided on 3<sup>rd</sup> January, 2008 filed by Aditya Kumar Mohanty v Union of India and others, OA No. 910 of 2006 disposed of on 3<sup>rd</sup> January,**

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**2008 filed by Shri Akhelesh Dhan v Union of India and  
others and in OA No.434 of 2008 disposed of on 1<sup>st</sup> May,**

**2009 filed by Bibhuti Bhusan Padhiary v Union of India and  
others.**

Perused the aforesaid decisions of this Tribunal relied on by the Applicant. On perusal of the records of those cases vis-à-vis the records of this case including the counter filed by the Respondents, it is noticed that not only the facts of those cases but also the replies filed by the Respondents in this case are exactly the same. In view of the above, having heard the Learned Counsel for both sides, this Original Application is disposed of with the direction that the Applicant is entitled to the benefit of the aforesaid decisions. The Respondents shall examine and grant the benefits to the Applicant within a period of 45 days from the date of receipt of this order. No costs.

Kappan

(JUSTICE K.THANKAPPAN)  
MEMBER (JUDICIAL)

Chaptra

(C.R.MOHAPATRA)  
MEMBER (ADMN.)