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O.A. No.399/2007

ORDER DATED 14<sup>th</sup> AUGUST, 2009

Coram:

Hon'ble Mr. Justice K. Thankappan, Member (J)

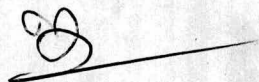
Hon'ble Mr. C.R. Mohapatra, Member (A)

Challenging reversion on account of double or more than one ad-hoc promotion of the applicant, this O.A has been filed. The applicant has therefore, sought for the following relief:-

- i) The Original application be admitted and connected records be called for.
- ii) After hearing the parties the Respondents/Railway be directed to extend the similar benefits which was given to S. Govinda Rao, B.K. Mohanta and M. Ganapati Rao and others who were also reverted on the basis of same decision of the Railway Board, like applicant and the Railway/Respondents be directed to take decision keeping in view the judgement of the Hon'ble Tribunal and Hon'ble High Court reported in 2006(Supl.-I) OLR 449 and 453 within specific time limit, with all service and financial benefits accrued from such decision.
- iii) Any other appropriate order/orders be passed as would be just and proper."

2. Respondents have filed their counter opposing the prayer of the applicant to which a rejoinder has been filed.

3. Heard Mr. A.K. Rath, Ld. Counsel for the applicant and Mr.S.K. Ojha, Ld. Counsel on behalf of Mr. P.C.



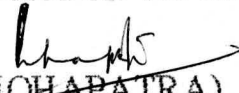
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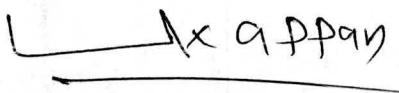
Panda, Ld. Counsel for the Respondents and perused the materials on record.

4. In consideration of the above, we are of the view that the question raised in this O.A. is no more resintegra in view of decision of the Hon'ble High Court of Orissa in W.P. (C) No.3198/02 and other connected petitions.

5. Having regard to the above, we quash the impugned <sup>reversion</sup> ~~revision~~ order in so far as the present applicant is concerned and direct the Respondents to reinstate the applicant on the same terms and conditions which were fixed by the Department at the time of his ad-hoc promotion and in that event the applicant's services shall be treated as continuing on ad-hoc basis and he shall be given consequential benefits accordingly. The matter is left open to the Respondents to consider regularization of service of the applicant in accordance with the existing guidelines. Till the regular promotion is considered and regular candidate becomes available, the applicant shall be allowed to continue as ad-hoc basis.

6. In the above observation and direction the O.A. is thus disposed of. No costs.

  
(C. R. MOHAPATRA)  
ADMINISTRATIVE MEMBER

  
(K. THANKAPPAN)  
JUDICIAL MEMBER