

O.A. No. 163 of 2008

Order dated: 17.04.2008

CORAM:

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

Heard Mr. P.K.Mohapatra, Ld. Counsel for the applicant and Mr. S.K.Ojha, Ld. Standing Counsel for the Railways, on whom a copy of this O.A. has already been served.

Mr. P.K.Mohapatra, Ld. Counsel for the applicant submits that the applicant had exercised his option for coming over to the East Coast Railways consequent to the bifurcation of the South Eastern Railways. No final decision has yet been taken on his application, exercising the option. He also submitted that the applicant has made a representation to the Secretary Railway board on 17.09.2007 which is still pending for disposal and he apprehends that the delay in the decision making can prejudice his interest to be considered for promotion in the East Coast Railways to the next higher post and also due to induction of new ^{entrants} ~~intruders~~ as Station Superintendent in the East Coast Railways. In the O.A. he has cited two cases where this Tribunal has already given directions in similar situation for absorption of the persons who had exercised options. His interim relief prayed for is not to fill up the post of Station Superintendent of East Coast Railways pending finalization of the O.A. This relief cannot be granted at this stage. However, the Respondent No.4 is directed to consider the representation dated 17.09.2007 and take a final decision

1 9
within a period of three months from the date of receipt of a copy of this order. In case the applicant is still aggrieved, he would be at liberty to file a fresh O.A. to redress his grievances.

A copy of this order and copy of the O.A. be transmitted to the Respondents as well as to the counsels for both the parties. Respondent No.8 is directed to forward all the relevant records to the Respondent No.4 to enable the Respondent No.4 to comply with the order.

The O.A. is disposed of accordingly, at the admission stage itself, without any order as to costs.


MEMBER (A)