

5

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION Nos. 178/07, 464/07 & 485/08

Cuttack, this the 26th day of November, 2009

CORAM:

Hon'ble Mr. Justice K. Thankappan, Member (J)
Hon'ble Mr. C.R. Mohapatra, Member (A)

In O.A. No.178/2007

Sri Ratnakar Rout, aged about 56 years, S/o-Late Biswanath Rout, Head Clerk (Reverted) at present working as Junior Clerk, in the Office of the Secretary, Chief Administrative Officer (Construction), East Coast Railway, Chandrasekharpur, Bhubaneswar. **Applicant**

By the Advocate(s) M/s- C. A. Rao
S. K. Behea, A.K. Rath

Vs.

1. Union of India, represented through the General Manager, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist-Khurda.
2. Chief Personnel Officer, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist-Khurda.
3. Chief Administrative Officer (Construction), East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist-Khurda.
4. Senior Personnel Officer (Construction), Co-ordination, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist-Khurda. **Respondents**

By the Advocate(s) Mr. T. Rath

In O.A. No.464/2007

Sri T. Venkata Rao, aged about 47 years, S/o- Late T. Subramanyam, At present working as P.W. Mate (PCR) under Dy. C.E/C-East Coast Rly, Vishakapatnam (A.P.) **Applicant**

By the Advocate(s) M/s- C. A. Rao
S. K. Behea, A.K. Rath
S.B. Panda, P.K. Sahoo

Vs.

1. Union of India, represented through the General Manager, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist-Khurda.
2. Chief Administrative Officer (Personnel), East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist-Khurda
3. Senior Prsommel Officer (C)/ Co-Ordination, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist-Khurda.
4. Chief Engineer (Con.-I), East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist-Khurda.
5. Dy. Chief Engineer (C), East Coast Railway, Vishakapattnam.

..... Respondents

By the Advocate(s)..... Mr. P.C. Panda

In O.A. No.485/2008

Sri Bheema, aged about 47 years, S/o- Gatcha, At present working as Vehicle Driver, Grade-III Under ASTE/JDS, Office of Assistant Telecom Engineer, East Coast Railway, Jagdalpur, Chattisgarh.Applicant.

By the Advocate(s) M/s- C. A. Rao,
S. K. Behea, A.K. Rath,

Vs.

1. Union of India, represented through the General Manager, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist-Khurda.
2. Chief Administrative Officer (Construction), East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist-Khurda
3. Senior Prsommel Officer (C)/ Co-Ordination, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist-Khurda.
4. Chief Engineer (Con.-I), East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist-Khurda.
5. Senior D.S.T.E. East Coast Railway, Waltair,

..... Respondents

By the Advocate(s)..... Mr. P.C. Panda



ORDER
(ORAL)

HON'BLE MR. JUSTICE K. THANKAPPAN, MEMBER(J)

Heard Mr. C.A. Rao, Ld. Counsel for the applicant and Mr. T. Rath & P.C. Panda, Ld. Counsel for the Respondents.

2. Since a particular question of law involved arises out of similar facts and circumstances, all the above mentioned three O.As are being disposed of by this common order. For the sake of convenience, the facts in O.A. 178/07 are being referred to.

3. The applicant in O.A.178/07 has prayed for the following relief:-

“ ...i) The Original Application be admitted and connected records be called for;
ii) After hearing the parties, the order vide Annexure-13 along with reversion order Annexure-9 and 9/1 be quashed;
iii) The respondents be directed to give all such service and financial benefits as is given to Chintamani Mohanty and others;
iv) Any other appropriate order/orders be passed as would be just and proper;”

88

8
- 4 -

4. In pursuance of notice, the Respondents have filed their counter opposing the prayer of the applicant. They have stated that the O.A. being devoid of merit is liable to be dismissed.

5. We have perused the records and considered the submissions made by the parties. In course of hearing, the Ld. Counsel for the applicant brought to our notice an order dated 14.08.2009 in O.A.399/07 of this Tribunal passed in similar circumstances. The applicability of this order to the case in hand has not been refuted by the Ld. Counsel for the Respondents.

6. Having regard to the above, we are of the view that since the point in issue in the instant O.As is no more res integra in view of direction of the Hon'ble High Court of Orissa in W.P. (C) No.3198/02 and other connected Writ Petitions, in the fitness of things, we quash the impugned orders of reversion in all the O.As and direct the Respondents to reinstate the applicants on the same terms and conditions which were fixed by them at the time of adhoc promotions of the applicants and in that event, the applicants' services shall be treated as continuing on adhoc basis and they shall be given consequential benefits accordingly. The matter shall be left open to the Respondents to consider regularization of services of the applicants in accordance with the existing guidelines. Till regular promotions are considered and regular candidates become available, the applicants shall be allowed to continue on adhoc basis.

(2)

-5-

7. With the above observation and direction, all the three O.As. are disposed of. No costs.

Sd/-
MEMBER - (A)

Sd/-
MEMBER (3)

K.B