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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

O.A.No. 104 of 2008
Cuttack, this the 19th August, 2010

Sushil Kumar & Ors. Applicants
-Versus-
Union of India & Others Respondents

C O R A M
THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (A)

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Heard Mr. D.K.Mohanty, Learned Counsel appearing for the
Applicants and Mr. B.K.Mohapatra, Learned Counsel appearing for the
Respondents/Railway and perused the materials placed on record.

2. Instead of great details it would suffice to state that at the time of recruitment and appointment of the applicant to the Construction Unit of the Railway, the Construction organization was under the CAO/C/ECoRly/Bhubaneswar and Open Line was under the Nagpur Division of the S.E.Railway. Later on the Construction Organization which was under the CAO/C/SER/BB and Open Line which was under NGP Division was placed under ECoRly and S.E.C Railway respectively. These three Applicants on being recruited were posted as Inspector of Works Grade III in the DKB New Rail Link Project under the Construction organization but their paper lien was maintained in the Open Line of the Nagpur Division of S.E.Railway. Meanwhile Applicant Nos.1&2 have been given adhoc promotion to the post of Junior Engineer Works. All the applicants appeared at the test conducted for promotion to the JE on regular basis and were found suitable but as promotion can only be effected where their paper lien is maintained, they could not be promoted till date. Hence by filing this OA, the Applicants, therefore, seek the following relief:

“(i) The applicants, therefore, pray for a direction to the respondents to give promotion to the applicants to the post of JE/I/Works in the scale of pay of Rs.5500-

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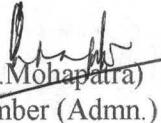
9000 as they are found suitable for promotion to the said post by the respondents;

(ii) The applicants further pray that in alternative the respondents be directed to relieve the applicants to their parent division at Nagpur under SEC Railway for due consideration of their cases for promotion to the post of JE/I/Works in the scale of pay of Rs.5500-9000/-."

3. Respondents have filed their counter opposing the first prayer of the applicant.

4. Mr. Mohapatra, Learned Counsel appearing for the Respondents, on instruction, has fairly submitted that the ECoRly has no objection to spare the applicants to join under the Railway where their paper lien is maintained where, when they have been found suitable in the trade test, they can avail the opportunity of regular promotion. Learned Counsel for the Applicants submitted that the Applicants have no objection if they are spared by the ECoRly to join in their parent Railway for availing the opportunity of promotion. In view of the above, I do not find any reason to keep this matter pending and, therefore, as agreed to by Learned Counsel for both sides this OA is disposed of with direction to the Respondents to release the Applicants as expeditiously as possible preferably by the end of September, 2010 enabling them to join in their parent railway for picking up promotion from the date ~~of~~ their juniors were promoted. .

5. With the aforesaid observation and direction this OA stands disposed of. No costs.


(C.R. Mohapatra)
Member (Admn.)