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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

OA No.524 of 2010

P.Krishna Kumar & 15 others Applicants
-Versus-
Union of India & Ors. Respondents

1. Order dated: the 17th September, 2010.

C O R A M

THE HON'BLE MR.M.R.MOHANTY, VICE-CHAIRMAN (J)

AND

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

Heard Mr.J.Sengupta, Learned counsel for the Applicants and Mr.S.K.Ojha, Learned Standing Counsel for the Railway on whom copies of this OA as well as MA No.328 of 2010 have been served, appearing for the Respondents both on OA & MA and perused the materials placed on record. Considering the submissions both oral as well as in the MA, the prayer to prosecute this Original Application jointly is allowed. MA No. 328 of 2010 is accordingly disposed of.

There are sixteen applicants in this OA. ~~T~~ They are working in different capacities i.e. as Law Officer, Law Assistant and Chief Law Assistant etc. in the E.Co.Railway. By filing this OA jointly, they seek to quash the Railway Board's Order No.E (GP) 2004/1/8 dated 18.1.2008 and to direct the Respondents that the legal cadre of the ECoRly should remain separate from the Group as has been done in other Railway/PUs. They have taken several grounds in support of their prayer in the OA. But *prima facie* we are not satisfied on the assertions made by the Applicants as the grievance of the applicants squarely fall within

the domain of the authority as it is a policy matter of the Railway.

Be that as it may, the applicant has approached this Tribunal without availing of the opportunity available to them by way of making representations with the specific prayers made in this OA. The A.T. Act, 1985 clearly provides that no application shall be entertained unless the available remedies have been exhausted by the Applicant. On being pointed out, Learned Counsel for the Applicants seeks liberty to make such representation within a specified period and he accordingly seeks direction to the Respondents to consider and dispose of the same with a reasoned order within the time frame to be fixed by this Tribunal. Learned Standing Counsel appearing for the Respondents has raised no serious objection to this. Considering all aspects of the matter, we dispose of this Original Application at this admission stage with liberty to the Applicants to make a detailed representation within a period of seven days hence. If such a representation is submitted by the Applicants within the time stipulated above, the Respondents may do well to dispose of the said representation and communicate the decision to the Applicants in a well reasoned order within a period of 60 (sixty) days from the date of receipt of such representation.

Send copies of this order along with copy of the OA to the Respondent No. 3 for information.

20/09/10
 (M.R.Mohanty)
 Vice-Chairman(J)

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