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O.A. No. 807/10

ORDER DATED 4th JANUARY, 2011

K.Venkateshwarulu Applicant

VIS.

Union of India & Others Respondents

Coram:

HON'BLE MR. A.K. PATNAIK, JUDICIAL MEMBER

Heard Sri B.S. Tripathy, Ld. Counsel appearing for the applicant and Sri S.K. Ojha, Ld. Standing Counsel appearing on notice for the Respondents on whom a copy of this O.A. has already been served and perused the materials placed on record.

2. This Original Application has been filed by the applicant with the following prayer:-

“(a) To pass appropriate orders directing the Respondents to consider the case of the applicant for his promotion in the open line instead of Head Clerk and to extend all service and consequential benefits in his favour or else he will be highly prejudiced; and

(b) To pass such further order/orders as are deemed just and proper in the facts and circumstances of the case and allow this O.A with cost.”

3. The facts of the case, as revealed from the O.A. are that the applicant, while working as Telephone Operator on compassionate ground on temporary basis under the Respondent-Department had represented to the Sr. Divisional Personnel Officer, S.E. Rly. requesting therein to consider his case for the post of Asst. Station Master (ASM) or Train Number Collector (TNC) or Commercial Clerk instead of Telephone Operator for vide Annexure-A/1 dated 16.10.1996. However, vide order

dated 28.10.1996 (Annexure-A/2) it is seen that other similarly situated persons having passed the medical examination in A-2 category were given compassionate appointment in other posts having promotional avenue than the post of Telephone Operator. While the matter stood thus, the applicant in the meantime was promoted to the post of Jr. Clerk, Sr. Clerk & Head Clerk respectively. The grievance of the applicant is that though he is a Graduate (B.Com) and declared fit in A-2 medical category at the time of his appointment, but was given appointment in the post of Telephone Operator, which is meant for C-1 medical category while other candidates who were fit in A-2 medical category, were given appointment in other posts then Telephone Operator, he has not so far been granted the similar benefits notwithstanding his representations dated 16.10.96 and 31.01.97 vide Annexures-A/1 & A/4, respectively made to Respondents. Hence, the applicant has moved this Tribunal with the prayer as referred to above.

4. I have heard the Ld. Counsel for the parties on the question of admission. During the course of hearing, Ld. Counsel submitted that he wants to withdraw this O.A with a liberty to file a fresh and consolidated representation before Respondent No.2 with a copy to Respondent No.3 stating all the facts within a period of one month and in the circumstances, a direction may be issued to Respondents No.2 & 3 for consider and dispose of the same with a speaking order within a period of three months thereafter with intimation to the applicant.

5. Having regard to the submissions so made and as agreed to by the Ld. Counsel for the parties, applicant is at liberty to file a fresh and consolidated representation before Respondent No.2 within a period of one month from to-day and in case such a representation is received,

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Respondent No.2 & 3 shall consider and dispose of the same as per law within a period of three months from the date of receipt of representation, under intimation to the applicant.

6. With the above observation and direction, this O.A. is disposed of at the admission stage itself. No costs.

7. Send a copy of this order along with copy of the O.A. to Respondents No.2 & 3 for compliance and free copies of this order be made over to the Ld. Counsel for the parties.

AMC
JUDICIAL MEMBER