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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

OA No.869 of 2010

Cuttack, this the 7th January, 2011

Gagan Behari Naik & Others Applicants
Versus
Union of India & Others Respondents

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C O R A M:

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

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THE HON'BLE MR.A.K.PATNAIK, MEMBER (J)
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Heard Mr.A.Kanungo, Learned Counsel for the
Applicants and Mr. S.K.Ojha, Learned Standing Counsel for the
Railway both on the MA No. 868 of 2010 as well as on the
merit of the OA No. 869 of 2010 and perused the materials
placed on record. Learned Counsel appearing for the Applicants
confines this OA only to the Applicant No.1 and seeks leave to
file separate OA's so far as other applicants are concerned. Prayer
allowed. This OA is confined to Applicant No.1 only.
Accordingly, MA No.868 of 2010 filed by the applicants
seeking permission to prosecute this OA stands dismissed.

2. In so far as the merit of the OA No. 869 of 2010 is
concerned, it is noted that the applicant's prayer in this OA is
to direct the Respondents to publish the list of the land oustees
whose lands were occupied by the Railway for construction of

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Khurda Bolangir BG Rail Link Project and as the land belonging to the family of the applicant had been occupied for the above purpose, provide him engagement either in Gr. C or D post in accordance with the orders already passed by this Tribunal in similar cases which was confirmed by the Hon'ble High Court of Orissa in OJC Nos. 6156 of 2002 and others disposed of on 21.6.2010.

3. Having heard Learned Counsel for the Applicant and Mr.S.K.Ojha, Learned Standing Counsel for the Railway; appearing on notice for the Respondents perused the materials placed on record. It appears that the applicant No.1 made representation under Annexure-5 dated 21.06.2010 claiming the relief as claimed in this OA and according to the Learned Counsel for the Applicant, no decision has been taken thereon till date. If the representation was submitted, then time consumed in between being well enough for taking a decision on the said representation, the Respondents ought to have intimated the result taken thereon to the Applicant. Having not done so, ends of justice would be met if we dispose of this OA at this admission stage (without expressing any opinion on the merit of the matter) calling upon the Respondent No.3 (with

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whom, according to the Learned Counsel for the Applicant, the representation dated 21.6.2010 (Annexure-5) is pending for consideration) to consider the grievance of the applicant No.1 as raised in his representation under Annexure-5 dated 21.6.2010 and communicate his decision to the Applicant No.1, in a well reasoned order within a period of 45 days from the date of receipt of this order. Ordered accordingly.

4. Send copy of this order along with copy of the OA to the Respondent No.3 at the cost of the Applicant; who shall furnish the postal requisite within seven days hence, thereafter free copies of this order be given to Learned Counsel for both sides.


(A.K.PATNAIK)
MEMBER(JUDL.)


(C.R.MOHAPATRA)
MEMBER(ADMN.)