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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O.A.No.931 of 2010

Taranga Prasad Singh Applicant

-Versus-

Union of India & Others Respondents

O.A.No.943 of 2010

Jitan Ku Pattanaik & Ors Applicants

-Versus-

Union of India & Others Respondents

....

Cuttack, this the 22nd/day of August, 2012

ORDER

C O R A M

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

AND

THE HON'BLE MR. A.K.PATNAIK, MEMBER (J)

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Since common question of facts/issues are involved, we dispose of the above OAs through this common order.

We are not inclined to go deep into the merit of the matter in the above cases, as after hearing learned counsel for both sides and going through the records we see that the issues involved in these two cases are covered by the decisions of this Tribunal in OA No. 312 of 2009 disposed of on 24th October, 2011 (Tapas Ranjan Barik & others –Vrs- Union of India & Others) in which this Tribunal after adjudicating the matter held as under:

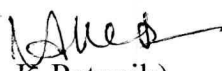
“6. In view of the above while declining to interfere in the matter, we direct the Respondents to ascertain whether promotion has been given to the posts of SE in another carved out Railway i. e. West Central Railway despite imposition of restriction under Annexure-A/5 and if so, then there should be no

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impediment to extend the same benefit to the Applicants especially when they were selected through a due process of selection against the notified vacancy. We hope and trust that the Respondents shall strike a fair deal with the employees of the East Coast Railway as in the West Central Railway both being under the same Railway Board and communicate their decisions in a well reasoned order to the Applicants within a period of 120 days What is sauce for the goose is sauce for the gander too."

In view of the above, we do not see any valid ground to deviate from the view already taken in the aforesaid case. Hence by applying the doctrine of precedence, these two OAs are disposed of with direction to the Respondents to ascertain whether promotion has been given to the posts of SE in another carved out Railway i. e. West Central Railway despite imposition of restriction by the Railway Board and if so, then there should be no impediment to extend the same benefit to the Applicants especially when they were stated to be selected through a due process of selection against the notified vacancy. We hope and trust that the Respondents shall be fair enough in dealing with the employees of the East Coast Railway as in the West Central Railway, both being under the same Railway Board and communicate their decisions in a well reasoned order to the Applicants within a period of 120 days. There shall be no order as to costs.


(A.K. Patnaik)
Member(Judicial)


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