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O.A. No. 171 of 2009

Order dated: 06.05.2009

CORAM:

Hon'ble Mr. Justice K. Thankappan, Member(J)

Hon'ble Mr. C.R. Mohapatra, Member (A)

M.A. 228/09 filed for joint prosecution of the case is allowed.

2. Three applicants jointly filed this O.A. praying that a direction may be issued to Respondent No.3 to absorb them as Private Secretaries to the Chief Personnel Officer of the Railways in the cadre of P.S., Gr.I (Gr.B) and such other consequential reliefs.

3. The brief facts of the case are as follows:

Three applicants, along with some others, were appointed originally as Stenographer, Gr.I and subsequently the posts were renamed as Personal Secretary, Gr.I (Gr.B). However, even after their appointment in the year 2003, they are continuing as temporary hands. Even though, the applicants belong to Railways, the present appointment for them as Personal Secretaries has not been considered for permanent absorption or regularization of their services. Hence, they filed representations to the concerned authorities. However, their representations have

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not been considered in time and in the meanwhile, as per the notification dated 10.04.2009, applications have been invited for the post of Personal Secretary in various Railways from some feeder categories of the Railway employees. In the above circumstances, the applicants approached this Tribunal.

4. We have heard Mr. J.Sengupta, Ld. Counsel for the applicant and Mr. S.K.Ojha, Ld. Standing Counsel for the Respondents, on notice.

5. The case now put forward by the Ld. Counsel for and on behalf of the applicants is that if the applicants' services are not absorbed or regularized, it will affect their entire career and if the Railway Board is allowed for recruitment to the post of Private Secretary in the Zonal Railways as per Annexure-A/7 notification, it will create problem for the applicants.

6. At the same time, Ld. Counsel appearing for the Respondents Mr. Ojha has pointed out that only applications have been invited and no panel has been prepared and also no examination has been conducted.

7. In the above circumstances, the question to be considered is whether the applicants are justified in

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approaching this Tribunal for such a direction as they have prayed. We have seen the papers relating to the appointment of the applicants as Stenographers originally, subsequently that post was redesignated as Private Secretary, Gr.I/Gr.B). However, the representation^{copy} now filed by the applicants is marked in this O.A. as Annexure-A/6. We have also noted that as per Annexure-A/8 letter dated 10.03.2009, the Deputy Chief Personnel Officer(Gaz.) for Chief Personnel Officer has already recommended the representation of the applicants to the Chief Personnel Officer, South Eastern Railways, Kolkata and we have also noted Annexure-A/5 letter of the Chief Personnel Officer, Bhubaneswar enclosing a copy of the Railway Board Letter No. 2000/E(GRR)/15/1 dated 24.11.2008 regarding inviting of applications for Private Secretary. Taking all these things and also the fact that another person who was placed in the same position has been absorbed as evidenced from Annexure-A/9 dated 25.03.2009, we are of the view that the applicants are fully justified in approaching this Tribunal by filing this O.A.

8. Considering the case now put forward by the applicant, we are of the view that this O.A. can be disposed



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of at this admission stage by directing the Respondent No.1 and 2 to consider Annexure-A/6 and A/8 on merits and a decision may be taken in this matter with regard to the claim of the applicant. This shall be done within a period of three months from the date of receipt of a copy of this order. It is also made clear that if any recruitment ~~is~~ made to the post of Private Secretary in pursuance to Annexure-A/3 and A/7 shall be subject to the outcome of the order being passed by the authorities with regard to the claim of the applicant. Ordered accordingly.

9. O.A. is accordingly disposed of. No order for costs.

MEMBER (A)

MEMBER(J)

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