

ORDER DATED 21<sup>st</sup> APRIL, 2011

Sri D.K. Chhotaray and another ..... Applicants  
Vrs.

Union of India & Others ..... Respondents  
Coram:

HON'BLE MR. C.R. MOHAPATRA, MEMBER ADMN.  
&

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

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

2. By filing M.A.269/11 Sri Das, Ld. Counsel for the applicants prays to allow the applicants to file a common application and the said application may please be allowed. Accordingly prayer for joint application is allowed. M.A.269 /11 for joint application is disposed of accordingly.

3. This Original Application has been filed by the applicants with the following prayer :-

"To quash the modified panel issued vide Memo No.Optg./15/2011 dt.24.02.2011 by DRM(P)/SBP in Annexure-A/5 in view of the Railway Board's instructions issued vide No.E(NG)1-2008/PM 7/4 SLP dated 19.06.2009 which was issued in accordance with the direction of the Hon'ble Punjab & Haryana High Court and confirmed by the Hon'ble Apex Court and as per the decision of this Hon'ble Tribunal in O.A. No.26/2008 Binapani Panda Vs. UOI & Others decided on 22.12.2010 and O.A. No.300 of 2007 Paresh Chandra Tarani & Others Vs. UOI & Others decided on 06.01.2011, before the candidates empanelled in modified list are appointed in the posts in question. As a consequence to direct the Respondents to restore the panel dated 30.04.2010 (Annexure-A/3);

To direct the Respondents to appoint the Applicants in the post of Jr. Trains Clerk with all consequential service and financial benefits

retrospectively, as the Applicants meanwhile have come out successful in the promotional training.”

4. Sri Das, Ld. Counsel for the applicants submits that for the above grounds the applicants have submitted representation dated 04.03.2011 Annexure- A/6. The said representation is pending for disposal. Having received no response, the applicants have approached this Tribunal by filing the present O.A. Since the representation of the applicants is pending before the Respondent No.4, he prays to direct the Respondent No.4 to consider the pending representation of the applicants at Annexure-A/6 and pass a reasoned order in terms of Rules/Directions/ Guidelines within a specified time.

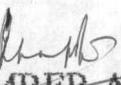
5. Having regard to the submissions made and as agreed to by the Ld. Counsel for the parties, without going into the merit of the case at this stage it is considered that ends of justice will be met by directing Respondent No.4 to consider and dispose of the pending representation vide Annexure-A/6 and pass a reasoned order within a period of one month from the date of receipt of copy of this order. Ordered accordingly. Any appointment to the post in question if made meanwhile shall be subject to the decision on the representation.

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 Respondent No.4 for compliance and free copies of this order be made over to the Ld. Counsel for the parties.

  
MEMBER JUDL.

K.B

  
MEMBER ADMN.