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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.346 OF 2011

Cuttack this the 26th day of May, 2011

CORAM:

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

...
Chittaranjan Mohanty & Ors. ...Applicants

-VERSUS-

Union of India & Ors. Respondents

ORDER


HON'BLE SHRI A.K.PATNAIK, JUDICIAL MEMBER:

1. Heard Shri K.P.Mishra, learned counsel for the applicants and Shri J.K.Khandayat Ray, learned Addl.Standing Counsel (on whom a copy of this O.A. has already been served) appearing on behalf of the Respondents and perused the materials on record.

Misc.Application No.449 of 2011 seeking permission to prosecute the O.A. jointly is allowed. M.A. 449/2011 is thus disposed of.

Heard the learned counsel for the parties on the question of admission of this O.A. It is the case of the applicants that they are empanelled as casual Announcers/Comparers under the Respondent-Department. Earlier they had moved this Tribunal in O.A.No.144/2010 regularization of their services. The Tribunal disposed of the said O.A. vide order dated 15.4.2011, in the following terms:

“We have gone through the earlier of this Tribunal dated 21.4.2010 vis a vis the case in hand. We do not see any reason to differ from the view already taken in the earlier case; especially because it is not the case of either side that meanwhile, any decision has been taken by the Hon'ble Apex Court. In the aforesaid premises, we hold that after the decision on the pending SLP, the Respondents shall examine the cases of each of the applicants in the light of the said decision on the prayer for regularization of the applicants. With the aforesaid observation and direction this OA stands disposed of and consequently stay order passed on 30.3.3010 is vacated. M.A. No.252 of 2011 is also accordingly disposed of”.



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In the meantime, the applicants having received certain information RTI Act have moved this Tribunal seeking the following relief:


- i) Direction be issued to the respondents to regularize the service of the applicants for the post of Announcers/Comparers against the vacancies available under the Station Directorate, Cuttack.
- ii) Direct/order that Annexure-A/9 be quashed by concurrently holding the same as illegal, arbitrary and not sustainable in the eye of law;
- iii) And pass such other order(s) or issue direction(s) as may be deemed fit and proper in the bona fide interest of justice.

As an interim measure, the applicants have prayed for staying the operation of Annexure-A/9 till disposal of the Original Application. The applicants also by filing Misc.Application No.462/11, have prayed to stay the written test for assignees that is going to be held on 5.6.2011(Annexure-16).

I have considered the submissions made by the learned counsel for the parties. Since the applicants have not ventilated their grievances before the authorities against Annexure-16, it would be proper on their part to at first move the authorities by preferring representation bringing to their notice the decision of the Hon'ble Supreme Court within a period of seven days and in that event the Respondent-Department shall consider and dispose of the same through cogent orders within one month from the date of receipt of such representations. Until the representations, as directed above, are disposed of, Annexure-16 dated 10.5.2011 shall be kept in abeyance.

This order is being passed without entering into the merit of the matter and with the consent given by the learned counsel for the parties.

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


JUDICIAL MEMBER