

O.A No. 36 of 2009

Sailendra Sarkar .... Applicant  
Vs  
Union of India & Ors. .... Respondents

O.A No. 198 of 2009

Laxminarayan Rout .... Applicant  
Vs  
Union of India & Ors. .... Respondents

O.A No. 248 of 2009

Rajanikanta Panda .... Applicant  
Vs  
Union of India & Ors. .... Respondents

Order dated - 02-05-2011

C O R A M

THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (ADMN.)  
AND  
THE HON'BLE MR.A.K.PATNAIK, MEMBER (JUDL.)

.....  
The Applicant in OA No. 36 of 2009 is working as MV  
Driver Gr.II under Dy. Chief Engineer/P/C.Co.Rly, Rail Vihar,  
Chandrasekharpur, Bhubaneswar. In this OA he seeks direction to  
the Respondents to regularize his service w.e.f. 08-08-1993 in the  
scale of pay of Rs.950-1500/-.

2. The Applicant in OA No.198 of 2009 is working as MV  
Driver Gr.II in the office of CAO/Con./E.CoRly, Rail Vihar,  
Chandrasekharpur, Bhubaneswar. In this OA he seeks direction to  
the Respondents to regularize his service w.e.f. 28.6.1993 in the  
scale of pay of Rs.950-1500/-.

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3. The Applicant in OA No. 248 of 2009 is working as Deputy Chief Engineer, Con., ECoRly, JJKR. In this Original Application he seeks direction to the Respondents to regularize his service w.e.f. 28.06.1993 in the scale of pay of Rs.950-1500/-.

4. Respondents filed their counter opposing the prayers of the Applicants and praying for dismissal of these OA being devoid of any merit.

5. Heard Learned Counsel for both sides and perused the materials placed on record. It was contended by the Learned Counsel for the Applicants that as per the orders of the CAO (C), ECoRly, in Annexure-A/11 to the rejoinder, the Applicants ought to have been considered for regularization in Gr. C but for non adherence to the said order, the applicants have been made to suffer. It was contended by the Respondents' Counsel that in the event of consideration of the case of the applicants as per the orders relied on by the Applicants' counsel the regularization already made should be annulled and the applicants cannot claim any benefits from the date from which they have been regularized.

Learned Counsel for the Applicants submitted that his client would not claim any benefit from the date of regularization in the present post in the event they are considered for regularization in

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Gr. C post as per the order under Annexure-A/11. The order of CAO (C), ECoRly reads as under:

"Gr.C TPCL staff should be regularized in Gr. C. Details to be completed within a week's time and orders issued by 31.07.1998."

6. In view of the above, as agreed to by Learned Counsel for both sides, these three Original Applications are disposed of with direction to the Respondents that in case the applicants are the TPCL staff then their cases of regularization in Gr. C post (without any back wages) should be examined by the Respondents with reference to the orders of the CAO (C) ECoRly and pass appropriate orders within a period of 90 (ninety) days from the date of receipt of copy of this order. No costs.
7. Registry is directed to keep copy of this order in each of the OAs.

Sd/-  
Member (3)

Sd/-  
Member (4)