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O.A. No.319/2009

ORDER DATED 2<sup>nd</sup> SEPTEMBER, 2009

Coram:

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

Rama Ch. Panigrahi & Others..... Applicants.

Vs.

Union of India & Ors. .... Respondents.

Heard Mr. J. Sengupta, Ld. Counsel for the applicant and Mr. S.K. Ojha, Ld. Standing Counsel for the Railways.

2. M.A. 443/09 for joint application is allowed.

3. This O.A. has been filed against the implementation of the revised provisional seniority list of JE-1 (P.Way) in scale Rs.5500-9000/- (RSRP) as on 31.07.2002 which has been prepared in compliance of the order of this Tribunal in O.A. No.650/04 as well as the order of the Hon'ble High Court of Orissa in W.P(C) 15567/2007. Mr. Sengupta, Ld. Counsel for the applicants submits that even if it is a provisional seniority list the applicants apprehend, that the Respondents will start acting on it and may take certain steps which may lead to the reversion of the three applicants who have already been promoted to the SE (P.Way).

4. Mr. Ojha, Ld. Standing Counsel for the Railways submits that this Tribunal vide its order in O.A. No.367/09 has already directed the Respondents to consider the Representation of the Applicant in that case.

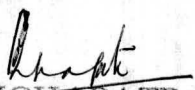
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5. In the above background the applicants submit that since they have already approached the concerned authorities vide Annexure-A/7 raising all these issues and have also filed ~~his~~ objection against the revised draft seniority list, they shall be satisfied if a direction is issued to Respondent No.5 to consider the issues raised in the representation and thereafter finalise the draft seniority list for the purpose of giving promotion based on the said seniority list. Accordingly, as agreed to by both sides, without expressing any opinion on the merit of the case Respondent No.5 is directed to consider the representation of the present applicants keeping in view the order of this Tribunal passed in O.A. No.650/04 as well as the order of the Hon'ble High Court of Orissa passed in W.P(C) 15567/2007 and pass a speaking order within 60 (Sixty) days of the date of receipt of this order.

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

7. Send copy of this order along with copy of O.A. to the Respondents.

  
(C.R. MOHAPATRA)  
ADMINISTRATIVE MEMBER