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OA No.368/2009

M.Suryanarayana .... Applicant  
Versus  
UOI & Ors. .... Respondents

1. Order dated 21<sup>th</sup> August, 2009.

C O R A M

THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (ADMN.)


Heard Mr. C.A.Rao, Learned Counsel for the Applicant and Mr. S.K.Ojha, Learned Standing Counsel for the Respondents and perused the materials placed on records. It is seen from the record that the Applicant is at present working as Grade II Driver in the Railway. The Applicant faced reversion on account of a policy decision taken by the Railway Authority directing that there should not be more than one adhoc promotion and whenever adhoc promotions are found inescapable in the exigency of service, the same shall be ordered only for short duration up to four months that too from amongst the senior-most eligible staff strictly in accordance with the existing guidelines under the Indian Railways Establishment Manual. Applicant's grievance is that similarly situated employees having faced such order of reversion approached this Tribunal and ultimately the matter went to the Hon'ble High Court of Orissa in WP ( C ) No.3198, 3199, 4149 and 3451 of 2002. The Hon'ble High Court of Orissa disposed of the matter on 08.03.2006 granting relief in favour of those Applicants. It is reported in 2006 (1) (Suppl) OLR 453. It is the case of the Applicant that the case of the Applicant although similarly placed, he has not been extended the benefit of the aforesaid

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decision in spite of representation filed by him under Annexure-A/8 dated 29.5.2007. Therefore, by filing this OA he seeks direction to the Respondents to extend the benefits of the aforesaid decision of the Hon'ble High Court of Orissa. That the Applicant is entitled to the benefit of the decision of the Hon'ble HIGH Court, he has relied on the decision of the Hon'ble Supreme Court rendered in the case of K.C. Sharma and others v Union of India and others, (1997) 6 SCC 721.

2. Be that as it may, since the representation of the Applicant is still pending and it has been reported by the Learned Counsel for the Applicant that no decision has yet been taken on the said representation, without expressing any opinion on the merit of this matter, this Original Application is disposed of at the admission stage with direction to the Respondent No.2 to consider and dispose of the pending representation of the Applicant at Annexure-A/8, if not already done, and communicate the result thereof to the Applicant with the outer limit of 45 days from the date of receipt of this order.

3. Send copies of this order to the Respondents along with OA.

  
Member (Admn.)