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O.A. No.406/2009

ORDER DATED 2nd SEPTEMBER, 2009

Coram:

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

S. Simachalam & Others.....Applicants.

Vs.

Union of India & Ors.Respondents.

Heard Mr. M. Basu, Ld. Counsel for the applicant and Mr. S.K. Ojha, Ld. Standing Counsel for the Railways.

2. M.A. 463/09 for joint application is allowed.

3. Seventeen applicants have filed this O.A. challenging the select list of casual Gangman for Rayagada at Annexure-A/3 purportedly prepared by the Respondents pursuant to the direction of this Tribunal as well as the Hon'ble High Court of Orissa. All the seventeen applicants were not party either in the case before this Tribunal or in the High Court of Orissa. Drawing strength from the observations of the Hon'ble High Court at Paragraph 8 & 9 the applicants have filed this O.A to be included in the select list. According to the Ld. Counsel for the applicant the so called select list at Annexure-A/3 contains only 80 names where as it ought to have consisted of 100 names and had it been so drawn the applicants in the present O.A. could have been included so as to avail of the benefits as they had appeared at the test which was held at Rayagada during 1996. It is noticed that the claim of these applicants as brought out in this O.A has never been

submitted to the Railway Authorities. No reason is forthcoming as to why they have been excluded if at all any selection has been done on the basis of Annexure-A/3.

4. In the above background it will be proper for the applicants to first present their grievances before the concerned Railway Authority for appropriate consideration. As agreed to by the Ld. Counsel for both the parties if a representation containing their grievances is made within 15 (fifteen) days from today, the same shall be considered by Respondent No.2 within a period of two months from the date of receipt of such a representation *and communicate the result hereof to the applicant.* Ordered accordingly.

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

Chapdt
(C.R. MOHAPATRA)
ADMINISTRATIVE MEMBER