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OA No. 428 of 2009

Srinivas Rao & Others .... Applicants  
Versus  
UIO & Ors. .... Respondents

1. Order dated 4<sup>th</sup> September, 2009.

C O R A M

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

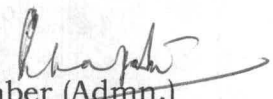
There are two Applicants in this Original Application. Both of them are working as Assistant Loco Pilot under Chief Crew Controller/KUR, East Coast Railway, Khurda Road and are at present continuing under suspension. By filing the present OA jointly, they seek quashing of the order under Annexure-A/12 reducing the subsistence allowance paid to them earlier; as also direction to the Respondents to revoke the order of suspension, to enhance the SA up-to 75% after three months of the order of suspension and to complete the disciplinary proceedings initiated against the applicants forthwith. Prima facie it shows that this Original Application is not maintainable for the reason that the applicant has approached this Tribunal without making any appeal provided under the Rules against the order under Annexure-A/12, for the multiplicity<sup>of</sup> prayers made in this OA and that the cause of action is personal to each of the Applicants. However, Learned Counsel for the Applicant prays that this OA may be confined to Applicant No.1 and accordingly liberty be given to the Applicant to prefer appeal and in that event the appellate authority may be directed to dispose of the same within a specified period. Having heard Mr. J.Sengupta, Learned Counsel for the

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Applicants and Mr. S.K.Ojha, Learned Standing Counsel for the Railway appearing on notice for the Respondents, **this OA is disposed of at this admission stage** by granting liberty to the Applicant No.1 to first avail the opportunity of appeal as provided under the Rules against the order challenged in this OA and the Appellate Authority is hereby directed in case such an appeal is preferred by the Applicant No.1 the same may be considered and disposed of as per Rules and Law and pass a reasoned order within a period of thirty days of receipt of the appeal and communicate the result thereof to the Applicant. MA filed seeking permission to prosecute this OA jointly stands rejected.

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

  
Member (Admn.)