

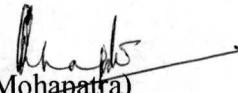
OA No.579 of 2009
 Sumitendra Jordar & Ors. Applicants
 Versus
 U.O.I. & Ors. Respondents

1. Order dated 11-12-2009.

C O R A M:
 THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (A)

On being mentioned by Mr. S.K.Ojha, Learned Counsel for the Applicants in presence of Mr.P.R.J.Dash, Learned Additional Standing Counsel for the Union of India [on whom copy of this OA has already been served], this OA was taken up.

There are 6(six) Applicants, who are working as Technical Assistant (Communication) in CWC seeking to prosecute this OA jointly and by fling MA No. 712 of 2009 they seek permission in this regard. Having heard Learned Counsel for both sides, prayer to prosecute this OA jointly is allowed. MA No.712 of 2009 is allowed and is accordingly disposed of.


 (C.R.Mohapatra)
 Member (Admn.)

2. Order dated 11-12-2009.

C O R A M:
 THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (A)

Heard Mr. Ojha, Learned Counsel for the Applicants and Mr. P.R.J.Dash, Learned Additional Standing Counsel appearing for the Respondents on notice. Perused the materials placed on record.

Challenging the matter of fixation of ratio and non-maintenance of combined seniority after equalization of the pay scales of two cadres i.e. Technical Assistants (Communication) and Wireless



Mechanic [Mechanic] {Communication} while effecting promotion to the grade of JE (Wireless) and non-consideration of repeated representations made through Union, by filing this Original Application, six Applicants who are continuing as Technical Assistant (Communication) in CWC, have prayed for the following reliefs:

- “(i) To direct the Respondents to maintain one combined seniority list of Wireless Operators [designated as Technical Assistants] (communication) and Wireless Mechanic [Mechanic]{Communication};
- (ii) To direct the Respondents to consider the case for promotion to JE (W) from amongst the combined seniority list;
- (iii) To direct the Respondents to consider the promotion of the Applicants from the date juniors of the Applicants were promoted vide order dated 12th November, 2009 with all consequential service and financial benefits;
- (iv) To direct the Respondents to accept and act on the resolution passed and communicated vide letter dated 04.02.2009.
- (v) To pass any other order/orders as deemed fit and proper.”

It reveals from the record that representations submitted in this regard under Annexure-~~A/4~~, A/5 series and A/7 are still pending with the Respondents. It is, therefore, prayed by the Learned Counsel for the Applicants that ends of justice would be met if this OA is disposed of at this admission stage by directing the Respondent No.1 to take a view on the aforesaid representations within a specified period and as the Respondents are going ahead to fill up the promotional posts JE (W) with the existing practice and procedure they should be directed not to effect such promotion till a decision is taken in the matter. Though Learned Additional Standing Counsel appearing for the Respondents did not object the former part of the prayer he objected to the issuance of the latter part of the prayer of the Applicants. However, considering the submissions made by the parties vis-à-vis the

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materials placed on record, this Original Application is disposed of at this admission stage with **direction to the Respondent No.1[Secretary to Government of India, Ministry of Water Resources, Shramashakti Bhawan, Rafi Marg, New Delhi-110 001]** to consider and dispose of the grievance of the Applicants raised in the representations under Annexures-~~A4~~, A/5 series and A/7 as also in this OA within a period of 45 days and communicate the result thereof to the Applicants. Till such consideration/decision is given/taken, if the Respondents seek to fill up more number of promotional posts of JE (W) from the grade of Wireless Mechanic (Communication) they may process for the same but should not effect the promotions; especially to avoid multiplicity of litigation in the matter.

Send copies of this order along with OA to the Respondent No.1 for compliance.


(C.R.Mohapatra)
Member(Admn.)