

2. Order dated 21.12.2009

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THE HON'BLE MR.JUSTICE K.THANKAPPAN, MEMBER (J)  
AND  
THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (A)

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By filing the present Original Application under section 19 of the Administrative Tribunals Act, 1985, 23(Twenty three) Applicants have sought direction to the Respondents as their grievance is covered by the decision of this Tribunal in OA Nos.1076 of 2002 and others (N.Rama Rao & Ors v Union of India and others) in which direction was issued to the respondents to publish the panel of selected candidates (those who took the test at Rayagada) and to provide them employment/engagement in order to remove the discrimination to such of the selected candidates which was confirmed by the Hon'ble High Court of Orissa in the case of **Union of India and others v M.Rama Rao and Others**, 106 (2008) CLT 625. It is the specific case of the Applicants that they were also the candidates who appeared at the test conducted at Rayagada pursuant to the advertisement dated 30.05.1996 published by the Respondent No.3 for engagement of 737 Casual labours on daily wage basis for a period of 119 days. Since the applicants similarly placed and are entitled to the benefit of the aforesaid decision, in spite of representations, their results have not been published thereby making gross injustice and discrimination between the persons similarly situated.

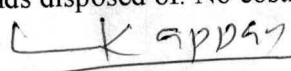
2. We have heard Mr. Biraja Prasanna Das, Learned Counsel for the Applicants and Mr.S.K.Ojha, Learned Standing Counsel for the Railway appearing on notice and perused the materials placed on record. Government

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being a model employer, it is not desirable on the part of such employer to insist that all the persons even if similarly situated should approach the Court for the relief which had attained finality by the decision of a Court of law. It is trite law and suffice to quote one such decisions of the Apex Court in the case **Maharaj Krishan Bhatt and Another Vs State of Jammu and Kashmir and others** (2008) 2 SCC (L&S) 783 in which Their Lordships of the Apex Court in interpreting Articles 14 & 16 of Constitution have held that on facts, once a judgment had attained finality, it could not be termed as wrong, and its benefit ought to have been extended to other similarly situated persons". It is the stand of the Applicants that though they have made representations under Annexure-6&7 seeking extension of the benefit of the aforesaid decision, no decision has yet been taken thereon and they are continuing in dark. When the factual scenario in the case of M.Mama Rao(surpa) and vis-à-vis the case in hand is examined with the background of the legal principles set out above, the inevitable conclusion shall be that the Respondents ought to have declared the result of the Applicants by following the decision in the case of M.Mama Rao (supra). However, since the representations under Annexure-6&7 of the Applicants are pending with the Respondents, the Respondents are hereby directed to consider and dispose of the same and communicate the result thereof to the Applicants within a period of 30 (thirty) days from the date of receipt of this order.

3. In the result, with the aforesaid observation and direction this OA stands disposed of. No costs.

  
(JUSTICE K. THANKAPPAN)  
MEMBER (JUDICIAL)

  
(C.R. MOHAPATRA)  
MEMBER (ADMN.)