

O.A. No.591/09

ORDER DATED 18th DECEMBER, 2009

Coram:

Hon'ble Mr. Justice K. Thankappan, Member (J)

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

Heard Mr. S.K. Nayak, Ld. Counsel for the applicant and Mr. S.K. Ojha, Ld. Standing Counsel (Rlys.) for the Respondents on notice.

2. This Original Application has been filed by the applicant for direction to consider his case for regularization since he was working as Sub-Care taker from 01.04.1995 to 02.09.2009. The applicant in support of his claim has submitted Annexures-A/1 & A/2 showing his continuance as Sub-Care taker. While the matter stood thus, the Department – Railways has issued Annexure-A/3 order dated 07.08.09 introducing a scheme for absorption of Staff working in Quasi Administrative Offices/Organisation in Railways in Gr. D post for which 19 persons have been nominated for screening. In that list although the name of his junior finds place, but applicant's name has been ignored and this is why, he has filed this present Original Application as referred to above. The applicant has also filed a representation dated 15.09.2009 (Annexure-A/5) addressed to the General Manager-Cum-Personnel Manager, Garden Reach, Kolkata.

3. We have considered the claim of the applicant and also perused the documents which the applicant has submitted



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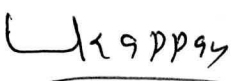
along with the O.A. Having considered all those, we are of the view that this Tribunal should adjudicate the Original Application on merit. But as the applicant has put up his grievance before the authorities vide Annexure-A/5 and just within two months has approached this Tribunal, it would be proper to direct Respondents No.1 & 3 to consider all aspects of the matter as set out in the representation having regard to all the documents filed to the present O.A. including that of engagement and continuance of the applicant and pass a reasoned and speaking order within a reasonable time, at any rate, within 90 days of the receipt of the copy of this order.

4. The O.A. is thus disposed of at the admission stage. No costs.

5. It is submitted by Sh. S.K. Ojha, Ld. Standing Counsel (Rlys.) for the Respondents appearing on notice the applicant has wrongly stated the Respondent No.1 as General Manager-cum-Chief Personnel Manager, which should be corrected and read as Chief Personnel Officer, Garden Reach, Kolkata. Ordered accordingly.

6. Copies of this order be made over to the parties. Mr. S.K. Nayak, Ld. Counsel for the applicant shall also forward a copy of this order along with the copy of the O.A. and other documents furnished to Respondents No.1 & 3 for compliance.


MEMBER (A)


MEMBER (J)