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O.A. No.616/2009

ORDER DATED 19th OF DECEMBER, 2011

N.P. Panda..... Applicant

Vrs.

Union of India & Others Respondents

Coram:

HON'BLE MR. C.R. MOHAPATRA, ADMINISTRATIVE MEMBER

&

HON'BLE MR. A.K. PATNAIK, JUDICIAL MEMBER

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Heard Sri D.P. Dhalsamant, Ld. Counsel appearing for the applicant and Sri U.B. Mohapatra, Ld. Sr. Standing Counsel appearing for the Respondents.

2. This Original application was filed by the applicant on 09.03.2009 with the following prayer:-

- “(8.1) That the gradation list published on 10.08.2004 under Annexure-A/8 be quashed.
- (8.2) That direction be issued to the Respondent No.1 to 3 to place the name of the applicant below serial No.12 of the Gradation List.
- (8.3) And further be pleased to pass any other order/order(s) as it would deem fit and proper to give complete relief to the applicant.”

3. Consequent to the issue of notice the Respondents have filed counter on 30.09.2010 after serving copy there of on the otherside. No rejoinder has been filed till date. When the matter came up for hearing today our attention was drawn to Paragraphs 4, 12 & 15 of the counter. It reveals from these paragraphs that the Gradation List which is impugned in this O.A is to be prepared afresh taking into account the correct position of

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seniority list of the applicant with others who qualified in the examination for the Direct Recruitment of UDCs of SBCO held in the year 1982 as they will rank senior to the officials from Sl. No.14 to Sl.29 of the Gradation List as on 01.07.1999 Section-III. It is further stated in Paragraph 12 of the counter that the Respondent No.6 to 20 are junior to the applicant and now the action is in process to give the applicant promotion to LSG Supervisor in SBCO.

4. In view of this, the Respondents have conceded to redress the grievances of the applicant as prayed for in the O.A. and the same is not disputed by the Ld. Counsel for the applicant. However, it was submitted by the Ld. Counsel for the applicant that so far no fresh gradation list has been published. Since counter was filed on 30.09.2010 and Sri U.B. Mohapatra, Ld. SSC could not throw any light regarding the status of the gradation list i.e., whether a fresh gradation list has been prepared and published or not. Hence, we direct the Respondents to publish the fresh Gradation List in question as mentioned in the counter within a period of six months if the same has not been done so far.

5. With the above observation and direction, this O.A. is disposed of. No costs.

6. Send copy of this order along with copy of the O.A. to Respondent No.2 for compliance and free copies of this order be made over to the Ld. Counsel for the parties.


JUDL. MEMBER


ADMN. MEMBER