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CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO.620/2009

Dated : 16.12.2011

CORAM : THE HON'BLE MR.C.R.MOHAPATRA, MEMBER (A)  
THE HON'BLE MR.A.K.PATNAIK, MEMBER (J)

1. Pradeep Kumar Mohanty, aged about 45 years, S/o. Late Bimbadhar Mohanty, At/PO-Baral Pokhari, Dist-Bhadrak
2. Reena Kabi, aged about 38 years, D/o. Madhu Sudan Kabi, At/PO-Boral Pokhari, Dist-Bhadrak-756101
3. Udhaba Charan Rout, aged about 44 years, S/o. late Bull Rout, At/PO-Baral Pokhari, Via-Charampa, Dist-bhadrak
4. Batakrushna Rout, aged about 50 years, S/o. Surendra Rout, At/PO-Boral Pokhari, Via-Charampa, Dist-Bhadrak
5. Bharat Ch.Panda, aged about 39 years, S/o. late Sahadev Panda, At-Charmpa, PO=Boral Pokhari, District-Bhadrak
6. Rabindranath Das, aged about 42 years, S/o. Daitari Nath Das, At-Bhanjpur, PO-Baripada-2, District-Mayurbhanj
7. Kibiria Hussain, aged about 46 years, S/o. late Sk.Ayub, Village-Meherabur, PO-Haripur, PS-Jankia, District-Khurda
8. Sri Dibakar Barik, aged about 39 years, S/o. Madhusudan Barik, At-Charmpa, PO-Boral Pokhari, dist-Bhadrak
9. Naba Krushna Choudhury, aged about 46 years, S/o. late Damodar Choudhury, At/PO-Barala Pokhari, Distirict-Bhadrak

...Applicants

By the Advocates: M/s.S.B.Jena & S.Behera

Vs.

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1. Union of India represented through its Secretary to the Government of India, Railway Board, Ministry of Railways, Rail Bhawan, New Delhi-1.
2. General Manager, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar-23
3. Divisional Railway Manager (P), East Coast Railway, Khurda Road Division, AT/PO-Jatni, Dist-Khurda
4. Senior Divisional Personnel Officer, East Coast Railway, Khurda Road Division, At/PO- Jatni, District-Khurda – 752050.

...Respondents.

By the Advocates: Shri T.Rath

O R D E R (ORAL)

{C.R.MOHAPATRA, MEMBER (A)}

Heard Learned Counsel for both sides and perused the materials placed on record.

2. The prayer of the Applicants in this Original Application filed under section 19 of the Administrative Tribunals Act, 1985 is to direct the Respondents to extend the benefit of the order of the Hon'ble High Court of Orissa dated 16.3.2006 in WP © No.8814 of 2004 (Union of India and others V Trilochan Sahu & Ors). The contention of the Applicant is that he being similarly situated/placed candidate is entitled to such benefit as per the decision of the Hon'ble Apex Court in the case of Raj Kishore Pandey V State of Uttar Pradesh and Others {(2009) 1 SCC (L&S) 537}. By filing counter, the Respondents objected to the stand taken by the

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Applicants and one of such objections is that except bald assertion the applicants failed to file any document to establish that he was an applicant in response to the advertisement dated 13.8.1990. The Applicants have not filed any proof in support of making application pursuant to the advertisement dated 13.8.1990 either in this OA or through rejoinder after receipt of copy of the counter or in course of hearing. As the applicants failed to meet the basic requirement so as to get the benefit of the order of the Hon'ble High Court of Orissa, this OA ought to have been rejected. We, however, would like to dispose of this OA with direction to the Respondents that in case the Applicants submit proof in support of their submission of applications pursuant to the advertisement they may examine the case of the Applicants in the light of the consideration given to the case of the Applicants in WP (C) No.8814 of 2004 and communicate the decision taken in the matter within a period of 60 days upon receipt of the proof from the applicants. Ordered accordingly. There shall be no order as to costs.

  
(A.K.PATNAIK)  
MEMBER (JUDL.)

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