

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO.08/2010

Dated : 21.11.2011

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

Narayan Pradhan,
 At/PO.Khurda Road,
 Jatni,
 Dist. Khurda.
 (By Advocate Shri D.K.Mohanty)

Vs.

...Applicant

1. Union of India service through General Manager, E.Co.Railway, Chandrasekharpur, Rail Vihar, Bhubaneswar, Dist. Khurda.
2. Chief Personnel Officer, E.Co.Railway, Chandrasekharpur, Rail Vihar, Bhubaneswar, Dist. Khurda.
3. Divisional Railway Manager, East Coast Railway, Khurda Road Division, P.O. Jatni, Dist Khurda – 752 050.
4. Sr. Divisional Personnel Officer, East Coast Railway, Khurda Road Division, P.O. Jatni, Dist.Khurda – 752050.

(By Advocate Shri T.Rath,)

...Respondents.

ORDER (ORAL)

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

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

2. The prayer of the Applicant 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 Applicant and one of such objections is that except bald assertion the applicant failed to file any document to establish that he was an applicant in response to the advertisement dated 13.8.1990. The Applicant has 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 applicant 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

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like to dispose of this OA with direction to the Respondents that in case the Applicant submits proof in support of his submission of application pursuant to the advertisement they may examine the case of the Applicant 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 applicant. Ordered accordingly. There shall be no order as to costs.

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

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