OA Nos.18, 19, 21, 22 of 2010

Trinath Padhi & Others ..... Applicants

Versus

Union of India & Others ..... Respondents

2. Order dated: January 29/5, 2010

C O R A M

THE HON'BLE MR.JUSTICE K.THANKAPPAN, MEMBER (J)

A N D

THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (A)

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By filing the present Original Applications the Applicants seek direction to the Respondents to publish the result of the selection conducted by the Civil Engineering Department of Waltair Division of Railway for engagement of 737 casual labourers on daily wage basis for a period of 119 days pursuant to the advertisement dated 30.05.1996 in which all the applicants having applied appeared at the selection. It is the specific case of the Applicants that their grievance is fully covered by the earlier orders of this Tribunal rendered in OA Nos.1076-1085 of 2002 whereby the Tribunal directed the Respondents to publish the panel of selected candidates (those took the test at Rayagada and to provide them engagement/employment in order to remove the discrimination to such of the selected candidates which was subsequently confirmed by the Hon'ble High Court of Orissa in order dated 24.09.2008 in WP (C) No.5053 of 2003 [**Union of India and others v M.Rama Rao and others**] reported in 106 (2008) CLT 625 and the Hon'ble Supreme Court of India in Special Leave to Appeal (Civil) CC No.8279 of 2009, but for the reason that the applicants were not applicants in the above case, they have been deprived of the benefits of the order. Heard Learned Counsel of the Applicants and Mr. S.K.Ojha, Learned Standing Counsel for the Railway appearing on notice for the Respondents and perused the

materials placed on record. It is seen that except the applicants in OA No.22 of 2010, Applicants in other cases have approached this Tribunal without making any representation praying for extension of the benefits of the decisions referred to above. Therefore, the Respondents got no opportunity to examine the claim of the Applicants. For the aforesaid reason, instead of keeping the matter pending till filing of the reply by the Respondents clarifying the position whether the cases of the Applicants are covered by the above decision; whether applicants were the candidates and have come out successful etc., we consider it just and proper to dispose of the matter at this admission stage by directing the Respondents to examine the claim of each of the Applicants in the light of the decisions rendered in the case M Rama Rao (supra) and communicate the out come of such examination to each of the Applicants as early as possible preferably within a period of 90(ninety) days from the date of receipt of copy of this order. Ordered accordingly. No costs.

2. In view of the above, MAs filed by Applicants seeking permission to prosecute the respective OAs jointly also stand disposed of.

3. This common order will govern in all the above cases and the Registry is directed to keep copies of this order in all the cases.

Send copies of this order along with OAs to the Respondents.

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