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O.A.No.152/2010

B.K. Prusty & Others. Applicants.

Vs.

Union of India & Ors. Respondents.

ORDER No.1 DATED 5th APRIL, 2010

Coram:

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

M.A.178/10 for joint application is allowed.
Accordingly, M.A.178/10 is disposed of.


ADMN. MEMBER

ORDER No.2 DATED 5th APRIL, 2010

Coram:

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

Heard Mr. K.K. Swain, Ld.  Counsel for the applicants and Mr. S.K. Ojha, Ld. Standing Counsel appearing on notice for the Respondents (Railways) and also perused the materials placed on record.

2. This Original Application has been filed by the applicants challenging the inaction of the Respondents for considering the case of the applicants for appointment as casual labour who had appeared at the recruitment test held in

pursuance of the Notice dated 13.08.1990 in enrolment of fresh substitutes for day to day casual labour category with the following prayer:-

“(i) The Hon’ble Tribunal be graciously pleased to direct the Respondents to enroll the applicants as substitutes as similarly situated candidates have been enrolled by virtue of the Notification dated 04.12.2009 as per Annexure-5 Series and they may be given similar benefits which has been made available to others;

(ii) The Hon’ble Tribunal further be pleased to direct the Respondents to consider the case of the applicants if found suitable in the fresh, Screening Test.

(iii) The Hon’ble Tribunal further be pleased to direct the Respondent Nos.2 and 3 to consider the application of the applicants by relaxing their present age if on the date of their application they were within the prescribed age limit in view of order dated 16.04.2004 passed in O.A. No.520/2001.

(iv) The Hon’ble Tribunal be graciously pleased to grant any other order/orders or direction/directions be issued to the Respondents to grant relief as deem fit and proper.”

3. As it appears from the record, claiming certain benefits pursuant to the orders of this Tribunal dated 16.04.2004 rendered in O.A. No.520 of 2001 the applicants had made series of representations to the Railway Authorities vide Annexure-A/6 series. The applicants having received no

response from the Railways, approached this Tribunal in the present Original Application filed under Section 19 of the Administrative Tribunals Act, 1985. As the representations of the applicants are still pending before the Railways, I think it is just and proper to dispose of this Original Application at the admission stage with a direction to the Respondent Nos.2 & 3 to consider and dispose of the representations of the applicants at Annexure-A/6 series within a period of 60 days from the date of receipt of copy of this order and communicate the result thereof to the applicants. *Ordered accordingly.*

4. With the above observations and directions this O.A. is disposed of at the admission stage itself.

7. Copy of this order along with copy of this O.A. be sent to Respondent No.3 for compliance.


ADMN. MEMBER