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O.A.No.186/10

A.P. Mohanty **Applicant.**
Vs.
Union of India & Ors. **Respondents.**

ORDER DATED 16th April, 2010

Coram:

Hon'ble Mr B. V. Rao, Member (J)
Hon'ble Mr. C.R. Mohapatra, Member (A)

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Heard Mr. C.R. Nandy, Ld. Counsel for the applicant and Mr. S.K. Ojha, Ld. Standing Counsel appearing on notice for the Respondents (Railways).

2. The applicant claims that in response to a notification issued by the Railways vide notice dated 13.08.1990 (Annexure-A/1) he had applied and also appeared at the interview in 1991-92 to be empanelled as substitute for utilization against day to day causalities in future requirement of any department other than Civil Engineering under the then South Eastern Railway. His allegation is that so far he has not received any response from Respondent No.3 Ld. Counsel for the applicant submits that he will be satisfied if a direction is issued to Respondent No.3 to make the applicant know the result of the interview which was held in 1991-92.

3. It is seen from the record that neither the applicant has produced any document in support of his stand that pursuant to the notification under Annexure-A/1 he has



applied and appeared at the test nor has he filed any representation to the Respondent No.3 prior to approaching this Tribunal. However, Ld. Counsel for the applicant undertakes to make a representation within 15 days.

4. In the circumstances, liberty is given to the applicant to make representation to Respondent No.3 within fifteen days and on receipt of such representation the Respondent No.3 is directed to examine/verify whether the applicant has applied pursuant to the notification & appeared at the test held in 1991-92. If so, consider the case of the applicant in the light of the order of the Hon'ble High Court in W.P. (C) No.8814/04 and pass a reasoned order within a period of 90 days from the date of receipt of the copy of this order. In case, the Respondents found that the claim made by the applicant is false and he has never appeared at any interview, then it is for the Respondents to take appropriate action against the applicant as the same would act as a deterrent against frivolous applications. With the above observations and directions this O.A. is disposed of at the admission stage itself.

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


ADMN. MEMBER


JUDICIAL MEMBER