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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

OA No.239 of 2010
Cuttack, this the 6th day of September, 2012

T.V.Ramana & Others Applicants
-Versus-
Union of India & Ors. Respondents

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THE HON'BLE MR.C.R.MOHAPATRA, MEMBER, (ADMN.)
And
THE HON'BLE MR.A.K.PATNAIK, MEMBER (JUDL.)

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All the Applicants having ~~been~~ ^{become} surplus as Assistant Guards have been working as Goods Guards under the Senior Divisional Operation Manager, East Coast Railway, Waltair Divison, Visakhapatnam. In this OA their prayer is to direct the Respondent Nos. 1, 2 and 3 to absorb them in the cadre of Goods Guard. The Respondents filed their counter opposing the prayer of the Applicant. Meanwhile, by filing MA No. 746 of 2012 the Applicants seek to amend the OA by incorporating the letter dated 18.05.2012 with prayer to direct the Respondent Nos. 1, 2 and 3 to give them appointment as Goods Guard in terms of RBE No. 251 of 1999 before any selection and appointment to the post in question. Two weeks time was allowed to the Respondents' Counsel to file the objection/reply if any. The Applicants have also filed MA No. 406 of 2012 seeking direction, by way of ad interim order, to the Respondents to take a decision on the recommendation of the General Manager and on the letter dated 18.05.2012 and further to direct the Respondents not to make fresh appointment to the post in question without leave of this Tribunal.

2. On the strength of the Memo dated 05-09-2012 of the Learned Counsel for the Applicant enclosing thereto copy of the order of the Hon'ble High Court of Orissa dated 24.08.2012 in WP (C) No.15366 of 2012, this matter has been listed today for considering MA No. 70-6 of 2012 filed by the Applicant seeking certain interim direction from this Tribunal.

3. On the consent of the respective parties, while giving consideration to the prayer made in MA No. 706 of 2012 we have also given consideration to the averments/prayer made in the OA as well as on MA No. 746 of 2012 filed by the Applicant seeking amendment to the OA and perused the documents. Though the prayer of the Applicants in MA No. 706 of 2012 is to direct the Respondents, by way of ad interim measure, to take a decision on the recommendation of the General Manager no such recommendation appears to have been available on record or produced by any of the parties. It is seen that the letter dated 18.05.2012 annexed as Annexure-1 to the MA No. 706 of 2012 dealing with the regularization of the applicants as Goods Guard is stated to have been issued by the Office of the Divisional Railway Manager (Optn), Waltair to the Senior Divisional Personnel Officer, ECoRly, Waltair in terms of the GM's instruction. But as stated above, no reference of the said GM's instruction appears to have been given in the said letter. Be that as it may, in view of the letter under Annexure-1 dated 18.05.2012, we direct the Respondents to take a decision on the regularization of the Applicants in the posts of Goods Guard and communicate the same to each of the Applicants within a period of 60(sixty) days from the date of receipt of copy of this order

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and till then no fresh appointment to the post in question shall be made by the Respondents. With the aforesaid observation and direction, this OA as well as MAs stand disposed of. There shall be no order as to costs.

A.K. Patnaik
(A.K. Patnaik)
Member (Judicial)

C.R. Mohapatra
(C.R. Mohapatra)
Member (Admn.)