

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

**O. A. No. 260/00652 OF 2015**

Cuttack, this the 9<sup>th</sup> day of November, 2015

CORAM

**HON'BLE MR. A.K. PATNAIK, MEMBER (J)**

**HON'BLE MR. R.C. MISRA, MEMBER (A)**

.....

1. Y. Krishna Naidu aged about 46 years S/O-Late Appala Swamy AT/ PO-Laxmipuram , P.S- Sitanagaram, Dist-Vizayanagar, Andhra Pradesh.
2. L. Ravi Mohan Rao aged about 44 years S/O-Late L. Gopal Rao At-Gajapati Nagar Near Siride Sai Temple, PO/PS-jatni, Dist- Khurda, Odisha.

.....Applicants

(Advocate: M/s. B. Dash, C.Mohanta, S.N. Mishra )

**VERSUS**

**Union of India Represented through**

1. The Secretary (Establishment), Ministry of Railway, Railway Board, New-Delhi.
2. General Manager, East Coast Railway, Rail Bhawan, Chandrasekharpur, Bhubaneswar Dist-Khurda.
3. Senior Divisional Personnel Officer, East Coast Railway, Khurda Road, PO-Jatni Dist-Khurda.
4. Bijaya Kumar Behera, Loco-Pilot (Gooda), Khurda Road Division, East Coast Railway PO-Jatni, Dist-Khurda.
5. Chandan Mondal, Loco-Pilot (Gooda), Talcher, East Coast Railway, AT/ PO/PS- Talcher, Dist-Anugul.
6. Srinivas Behera, Loco-Pilot (Gooda), Talcher, East Coast Railway, AT/ PO/PS- Talcher, Dist-Anugul.
7. Arun kumar Behera, Loco-Pilot (Gooda), Talcher, East Coast Railway, AT/ PO/PS- Talcher, Dist-Anugul.
8. Nirmal Behera, Loco-Pilot (Gooda), Talcher, East Coast Railway, AT/ PO/PS- Talcher, Dist-Anugul.
9. Gadadhar Sethi, Loco-Pilot (Gooda), Paradeep, East Coast Railway, AT/ PO/PS- Paradeep, Dist-Dist-Jagatsinghpur.
10. Ram Singh, Loco-Pilot (Gooda), Talcher, East Coast Railway, AT/ PO/PS- Talcher, Dist-Anugul.
11. Bishnu Ch Sethy, Loco-Pilot (Gooda), Talcher, Anugul, East Coast Railway, AT/ PO/PS/Dist-Anugul.
12. Chitrasen Naik, Loco-Pilot (Gooda), Keonjhar, East Coast Railway, AT/ PO/PS/Dist- Keonjhar.
13. D.jayapal, Loco-Pilot (Goods), drafted and posted as Crew Controller at Puri, East Coast Railway, AT/PO/PS/Dist-Puri.
14. S.Venkateswar Rao, Loco-Pilot (Gooda), Khurda Road , East Coast Railway AT/PO/PS-Jatni, Dist-Khurda.
15. Jatindranath Murum, Loco-Pilot (Gooda), Keonjhar, East Coast Railway, AT/ PO/PS/Dist- Keonjhar
16. Muralidhar Nayak, Loco-Pilot (Gooda), Talcher, East Coast Railway, AT/ PO/PS- Talcher, Dist-Anugul.
17. Baidhar Singh, Loco-Pilot (Gooda), Khurda Road , East Coast Railway, AT/PO/PS-Jatni, Dist-Khurda.

... Respondents

(Advocate: Mr. T. Rath)

*all*

**ORDER (Oral)**

**A. K.PATNAIK, MEMBER (J):**

Heard Mr. B. Dash, Ld. Counsel appearing for the Applicant and Mr. T. Rath, Ld. Standing Counsel appearing for the Respondents-Railways, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. This is the second round of litigation by the applicants. By drawing our attention Mr. Dash submitted that on earlier occasion though O.A. No.613/2015 was filed the same was dismissed vide order dated 16.09.2015 on the ground of non-joinder of party. Mr. Dash brought to our notice that after the order dated 16.09.2015 passed in O.A. No.613/2015 by this Tribunal the applicants had also made a comprehensive representation dated 23.09.2015 (Annexure-A/4) to Respondent No.3 in the present O.A. and till date no reply has been received from the Respondents-Department.

3. On the other hand, Mr. Rath submitted that the present O.A. is now in the shape of Public Interest Litigation and this should not be entertained by the Tribunal as the applicants have not come with clean hands.

4. However, after perusal of the documents annexed to this O.A. as well as the pleadings, we are of the considered view that the earlier O.A. had been dismissed on the point of non-joinder of necessary party. However, in this O.A. applicants have made private Respondents Nos.4 to 17 who are the necessary parties. Therefore, in the first instance we should give liberty to Respondent No.3 to consider and dispose of the representation dated 23.09.2015 (Annexure-A/4) submitted by the applicants if it is pending. Accordingly, without entering into the merit of this case, we dispose of this O.A at the stage of admission by directing Respondent No.3 to consider the representation dated 23.09.2015


*Alle*

7  
(Annexure-A/4) as per the extant Rules and regulation and communicate the result thereof to the applicants by way of a reasoned/ speaking order within a period of sixty days from the date of receipt of copy of this order. We hope and trust, if, after such consideration it is found that the applicants are entitled to the relief claimed by them then the same may be extended to them within a further period of 03 (three) months from such consideration. Though we have not expressed any opinion on the merit of the case, we make it clear that all the points raised in the representation will be kept open for the Respondent No3 to consider the same as per rules, regulations and law in force. However, it is made clear that if the said representation dated 23.09.2015 (Annexure-A/4) has already been disposed of then the result of the same may be communicated to the applicants within a period of 15 days.

5. Though we dispose of this O.A. at the admission stage we feel it proper to direct the Respondents not to take any further action in pursuance of order dated 21.08.2015 (Annexure-A/2) so far as the Private Respondents are concerned till a decision on the representation is communicated to the applicants.

6. In the result, the O.A. is disposed of at the stage of admission itself. No costs.

7. On the prayer made by Mr. Dash, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 3 by Speed Post for which Mr. Dash undertakes to file the postal requisites by 13.11.2015. Free copy of this order be made over to Mr. T. Rath, Ld. Standing Counsel appearing for the Respondents-Railways.

  
(R.C.MISRA)  
MEMBER (A)

  
(A.K.PATNAIK)  
MEMBER(J)