

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK,**

ORDER SHEET

COURT NO. : 1

18.01.2018

O.A./260/956/2015

COUNTER NOT FILED, ON MEMO

B PANDA

-V/S-

M/O RAILWAYS

ITEM NO:38

FOR APPLICANTS(S) Adv. :

Mr. D.K.Mohanty

FOR RESPONDENTS(S) Adv.:

Mr. T.Rath

Notes of The Registry	Order of The Tribunal
	<p>The applicant has challenged the posting order dated 29.04.2015 under Annexure-A/9. On going through the said order it is appearant that it was passed in obedience to directions of the CAT, Cuttack Bench passed in O.A No. 300/2007 dated 06.01.2011. Said O.A was filed by three applicants where there were five private respondents. Now, while filing counter in Par-2(U) the official respondents have pleaded that private respondents of O.A 300/2007 have challenged the said order of this Tribunal in WP(C) No. 27191/13 wherein vide order dated 17.12.2013 the Hon'ble High Court of Orissa have been pleased to pass an impugned order of status quo in respect of service of the writ petitioners.</p> <p>In view of such development, now this Tribunal is not competent to scan or analyse the order passed by the Tribunal in O.A No. 300/07. The Respondents have pleaded that unless the private respondents vacated the posts the present applicant along with others cannot be accommodated on promotion to the Posts of JE(Electrical).</p> <p>In view of such backdrop the O.A cannot be adjudicated by this Tribunal at this juncture.</p> <p>Hence, the O.A is disposed of as substantive adjudication of right of interested parties are pending before the Hon'ble High Court at this juncture. We can only say that aggrieved party shall be at liberty to approach the appropriate forum of Railway only after final disposal by the Hon'ble High Court. To conclude, since the impugned order under Annexure-A/9 has been passed in obedience to directions to the Tribunal in O.A 300/2007 rightly or wrongly it cannot be permitted to be annulled when the said order of this Tribunal is subjudice and is under challenge before the Hon'ble High Court.</p> <p>The present applicant can approach the Hon'ble High Court as intervenor if permitted to ventilate his grievances.</p> <p>The O.A is disposed of accordingly being premature. No cost.</p> <p>(DR. MRUTYUNJAY SARANGI) MEMBER (A)</p> <p>(SUSHSANTA KUMAR PAITNAIK) MEMBER (J)</p> <p>18/1/18</p>
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