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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/01002 OF 2015
Cuttack, this the 29th day of January, 2016

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

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Sri Muralidhar Khuntia,
aged about 50 years,
S/o Dhaneswar Khuntia,
At/Po: Saruali, PS: Telkoi,
Dist: Keonjhar-758084.

.....Applicant

By the Advocate(s)-M/s. D.K. Mohanty, S. Nayak

-Versus-

Union of India represented through it's

1. Secretary to Government of India, Ministry of Water Resources, Shramashakti Bhawan, Rafi Marg, New Delhi-110001.
2. The Central Water Commission represented through its Chairman, CWC, Sewa Bhawan, R.K. Puram, New Delhi-110066.
3. The Chief Engineer, Government of India, Central Water Commission, Mahanadi and Eastern Rivers Organisation, Plot No. A-13/14, Mohanadi Bhawan Bhoinagar, Bhubaneswar-751022.
4. The Superintending Engineer, Government of India. Central Water Commission, Office of the Chief Engineer, Mahanadi and Eastern Rivers Organisation, Plot No. A- 13/14, Mohanadi Bhawan Bhoinagar, Bhubaneswar-751022.
5. The Executive Engineer, Central Water Commission, Office of the Brahmani Subarnareka Division, Plot No. A- 13/14, Bhoinagar, Bhubaneswar-751022.

Respondents.

By the Advocate(s)- Mr. A.C.Deo

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ORDER (ORAL)

A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. D.K.Mohanty, Ld. Counsel for the Applicant, and Mr. A.C.Deo, Ld. Addl. Central Govt. Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:

“i) To quash the order dated 28.01.2015 under Annexure A/6.

ii) To direct the Respondents to consider his case as has been considered similarly benefit after discontinuance of 8 to 14 years of service and also vacancies for man power still exist so he may kindly be extend to work of Khalasi taking into consideration of his past experience.

iii) To pass any other order.....”

3. The applicant was initially appointed as Khalasi in the year 1985 in Bramhani Subarnarekha Division in work charged establishment and continued uninterruptedly till 1993. It has been submitted that after some Court orders, seniority list was prepared among the seasonal khalasis but as the applicant was not in service his name could not find place in the said seniority list. His grievance is that similarly placed persons like applicant, who were not available at that point of time and who came after discontinuance of 8 to 14 years, they were taken into service as seasonal khalasis and assigned seniority at Sl. No. 217, 227, 235 etc. but the applicant has been discriminated. Mr. Mohanty, Ld. Counsel for the applicant, submitted that one representation of the applicant having been rejected by Respondent No.4, in a casual manner vide order dated 28.01.2015, ventilating his grievance he made another detailed

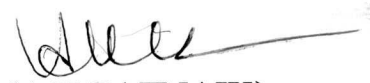


representation to Respondent No. 2 on 17.04.2015 vide Annexure-A/7, which is stated to be pending and till date he has not received any response from the said Respondent No.2 for which he has filed this O.A.

4. In view of the aforesaid fact that the representation of the applicant dated 17.04.2015 is stated to be pending, without going into the merit of the matter, we dispose of this O.A. with direction to the Respondent No.2 to dispose of the said representation, if the same is still pending, and pass a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order. Though, we have not gone into the merit of the matter, all the points raised by the applicant in his representation are kept open for the Respondent No.2 to consider the same as per rules and regulations. If after such consideration the applicant is found to be entitle to the relief claimed by him then expeditious steps be taken within a further period of three months to extend that benefit to the applicant.

5. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

6. On the prayer made by Mr. Mohanty, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 2 by Speed Post for which he undertakes to file the postal requisites by 02.02.2016.


(A.K.PATNAIK)
MEMBER(Judl.)