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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00628 OF 2016
Cuttack, this the 12th day of September, 2016

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

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1. Tummala Venkat Challam,
aged about 46 years,
S/o Sri T.Subba Rao,
presently working as Loco Pilot (Goods)
C/o-Chief Crew Controller,
East Coast Railway, Khurda Road Jatni, Dist- Khurda.

2. Sadhanala Nageswar Rao,
Aged about 39 years,
S/o S.Surya Narayana,
C/o Balaram Biswal of Bachhara Patna
Near Saraswati Nivas, Jatni, Dist- Khurda.

.....Applicant

By the Advocate(s)-M/s. B. Dash, C. Mohanta, S.N. Mishra.

-Versus-

Union of India, represented through

1. Secretary (Establishment), Ministry of Railways, Railway Board, New Delhi.
2. General Manager, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist-Khurda.
3. Senior Divisional Personnel Officer, East Coast Railway, Khurda Road, PO- Jatni, Dist- Khurda.
4. Senior Divisional Electrical Engineer (OP), East Coast Railway, Khurda, AT/PO/Dist- Khurda.
5. Div. Railway Manager, East Coast Railway, Khurda.

.....Respondents

By the Advocate(s)- Mr. T.Rath

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ORDER (ORAL)

A.K.PATNAIK, MEMBER (J):

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

2. The applicants have filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985, praying for the following reliefs:

“ a. The original application may be allowed.

b. The impugned notification under Annexure-A/1 so far it relates to reservation for 07 posts from SC category and 03 posts from ST category may be quashed.

c. The respondents may be directed to de-notify the posts 07+03 posts= 10 posts from the reserved category and direct the respondents to fill up all the vacancies strictly in accordance with the seniority subject to rejection of unfits without allowing any reservation.

d. Such other order.....”

3. The applicants, in this O.A., assail the action of Respondent Nos. 1 to 3 in giving reservation in promotion to SC and ST candidates in contravention of the law laid down by the Hon'ble Supreme Court of India in the case of M.Nagaraj & Ors. Vs. Union of India & others, which will hamper applicant's prospect for next promotion to the post of Chief Loco Inspector. Mr. Dash, Ld. Counsel for the applicants, submitted that in similar circumstances, the Hyderabad Bench of this Tribunal while issuing notice on the respondents has suspended the action to fill up the posts giving reservation in promotion. He submitted that although the applicants ventilating their grievances have made

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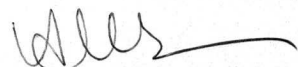
individual representations vide Annexures 2(A) & 3(A) to Respondent No. 3 and vide Annexures 2(B) & 3(B) to Respondent No.5 but till date no communication has been made to them.

4. Since the representations of the applicants are stated to be pending with Respondent Nos.3 and 5, at this stage, without going into the merit of the matter, we dispose of this O.A. at this admission stage with direction to the Respondent Nos.3 and 5 to consider the representations pending with them and pass a reasoned and speaking order within a period of two months from the date of receipt of copy of this order under intimation to the applicants. We make it clear that if the 10 posts of Chief Loco Inspector as notified to be filled up under Annexure-A/1 by giving promotion from reserved community have not yet been filled up then the same shall not be filled up till representations of the applicants are disposed of and result communicated to them.

5. With the aforesaid observation and direction, the O.A. is disposed of at the stage of admission itself. No costs.

6. On the prayer made by Mr. Mohanty, Ld. Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 3 & 5 by Speed Post for which he undertakes to file the postal requisites by 15.09.2016.


(R.C.MISRA)
(MEMBER (A))


(A.K.PATNAIK)
MEMBER (J)