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O.A. No. 312 of 2012

Liyakat Ali Khan.....Applicant  
Vs  
Union of India & Ors.....Respondents

Order dated: 25.04.2012

CORAM:

Hon'ble Shri C.R.Mohapatra, Member (Admn.)  
&  
Hon'ble Shri A. K. Patnaik, Member(Judl.)

Heard Dr. D.B.Mishra, Ld. Counsel for the applicant and Mr. S.K.Ojha, Ld. Standing Counsel appearing for the Respondent-Railways, on whom a copy of this O.A. has already been served.

2. By filing this O.A. the applicant has sought for the following relief:

"(i) To admit this O.A.  
(ii).....to direct the Respondents to consider the case of the applicant as per last representation dtd. 03.07.2011 (Annexure-A/5) regarding empanelment as substitutes in the same light as order dated 16.04.2004 passed in O.A.No. 520/2001 and O.A. 256/05 and 336 to 483/05 which was disposed of on 08.06.2005 (Annexure-A/4 series) more recently in O.A.No. 55/2010 disposed on 19.02.2010 (Annexure-A/10) and order dt. 31.03.2011 in O.A.No. 357/2008 (Annexure-A/11) in similarly situated cases within a time frame to be stipulated by this Hon'ble Tribunal.

(iii).....to direct the Respondents to consider the case of the applicant as per representation dt. 03.07.2011 at Annexure-A/5 if found suitable for appointment for

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substitutes on the basis of Circular at Annexure-A/2 and not to perpetrate any discrimination between persons similarly situated in Khurda Road Division vis-à-vis other three Divisions of the erstwhile South Eastern Railways.

(iv).....to direct the Respondent No.2 and 3 to consider the representation dtd. 03.07.2011 (Annexure-A/5) of the applicant by relaxing his present age, as on the date of his application the applicant was within the prescribed age limit in similar cases as per order dated 16.04.2004 passed in O.A.No. 520/2001 (Annexure-A/4 series).

And pass any other order....."

3. Vide paragraph-9, the applicant has prayed for disposal of this O.A. at the stage of admission directing Respondent No.3 to consider the representation dt. 03.07.2011 (Annexure-A/5).

4. Since the representation of the applicant as at Annexure-A/5 is pending with Respondent No.3, we, at this stage, without entering into the merit of the case, deem it proper to send the case before the competent authority to take a decision first on the pending representation. As agreed to by the Ld. Counsel for the parties, we direct Respondent No. 3 to consider the pending representation and pass a reasoned order within 90 days from the date of receipt of copy of this order.

5. With the above observation and direction, the O.A. stands disposed of at the stage of admission itself.

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6. Send copy of this order to the Respondents and  
free copies of this order be handed over to the Ld. Counsel  
appearing for the parties.

Alka  
MEMBER(Judl.)

hamp  
MEMBER(Admn.)

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