

4

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O.A.No.834 of 2012

Cuttack, this the 19th day of November, 2012

CORAM

THE HON'BLE MR.A.K.PATNAIK, MEMBER (JUDL.)

.....

1. Rabindra Kumar Pratap, aged about 58 years, Son of Late Nalu Charan Pratap permanent resident of Vill/Po.Bari, Thengerh, Via-Dhanmandal, Dist. Jajpur, Odisha.
2. Amarjit Mishra, aged about 36 years, Son of Baidyanath Mishra permanent resident of Patharadi Road, Po.Charampa, Dist. Bhadrak, Odisha.
3. Basanti Maharana, aged about 54 years, widow of Late Bamal Charan Maharana, At-Achinda, Po.Panikohili, Dist. Jajpur, Odisha.
4. Mayadhar Raj, aged about 37 years, Son of Late Sambhunath Raj permanent resident of At-Banki Pada, Po.Iswarpur Via. Bahanga, Dist. Balasore, Odisha.
5. Ratikanta Sethi, aged about 42 years, Son of Sabar Sethi permanent resident of At-Nandapur, Po.Adhuan, Via-Basudevpur, Dist. Bhadrak, Odisha.
6. Prafulla Kumar Mohapatra aged about 54 years, Son of Ananta Prasad Mahapatra.
7. Narayan Chandra Behera, aged about 54 years, Son of Late Gangadhar Behera,
8. Badha Murmu aged about 48 years, Son of Late Bhima Charan Murmu.
9. Purna Chandra Behera, aged about 37 years, son of Khetramohan Behera.
10. Ashok Kumar Nayak, aged about 42 years, Son of Ananta Chandra Nayak.
11. Sumanta Kumar Behera, aged about 43 years, Son of Late Panchanan Behera.

5

(Sl.Nos.1 to 11 at present working under Senior Section Engineer, Electrical (G)/East Coast Railway, Bhadrak).

12. Manoranjan Nayak, aged about 42 years, Son of Late Panchanan Nayak.
13. Sarada Prasana Swain, aged about 46 years son of Keshab Charan Swain.
14. Mitarani Sethy aged about 42 years, D/o. Abhimanyu Sethy.
15. Supriya Behera aged about 33 years, widow of late Dhruba Charan Behera.
16. Susanta Kumar Ray aged about 41 years son of Sarat Mohan Ray.
17. Dasmat Marandi aged about 56 years son of Jaga Marndi.
18. Smt. Malati Naik aged about 44 years widow of late Ramesh Naik.
19. Debendra Rout aged about 37 years son of Indramani Rout.
20. Pitamber Behera aged about 42 years, son of late Raghunath Behera.
21. Khirod Kumar Rout, aged about 53 years, son of late Kapila Rout.
22. Sukanta Khatua aged about 35 years son of P.S.Khatua.

(Sl.Nos.12 to 22 at present working under Senior Section Engineer, Electrical (G)/East Coast Railway, Cuttack.

.....Applicants

Advocate(s) - M/s.N.R.Routray, S.Mishra,
T.K.Choudhury.

-Versus-

Union of India represented through –

1. The General Manager,
East Coat Railway,
E.Co.R Sadan,
Chandrasekharapur,
Bhubaneswar,
Dist. Khurda.

10/6

2. Chief Personnel Officer,
East Coast Railway,
E.Co.R. Sadan,
Chandrasekharpur,
Bhubaneswar,
Dist. Khurda.
3. Divisional Railway Manager,
E.CO.Rly,
Khurda Road Division,
At/Po-Jatni,
Dist. Khurda.
4. Senior Divisional Personnel Officer,
E.Co.Rly,
Khurda Road Division,
At/Po.Jatni,
Dist. Khurda.
5. Senior Divisional Electrical Engineer (G),
East Coast Railway,
Khurda Road Division,
At/Po.Jatni,
Dist. Khurda.
6. Senior Section Engineer, Electrical (G),
East Coast Railway,
At/Po.Charampa,
Dist. Bhadrak.
7. Senior Section Engineer, Electrical (G),
East Coast Railway,
At-Railway Campus,
Po. College Square,
Town/Dist. Cuttack.

.....Respondents

Advocate(s) - Mr.T.Rath

O R D E R

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

Heard Mr. N.R.Routray, Learned Counsel for the
Applicants and Mr.T.Rath, Learned Standing Counsel for the Railway-
Respondents and perused the records.

Wd


2. Being aggrieved by the order No.P/Elect(G)/92/2012 acted 02.11.2012 copy of which has been filed at Annexure-A/7, the Union of the Applicants submitted representation on 8.11.2012 at Annexure-A/8 to the Divisional Railway Manager, East Coast Railway, Khurda Road (Respondent No.3) requesting cancellation of the order under Annexure-A/7. Similar prayer was also made by the Applicants before the Respondent No.3 through representation dated 15.11.2012 at Annexure-A/9. It has been submitted by Mr. Routray, Learned Counsel for the Applicants that the Respondents are likely to take action to relieve the Applicants from their places of posting, pursuant to the order at Annexure-A/7, even before giving consideration to the points raised in the representations at Annexures A/8 & A/9. Hence Mr.Routray, Learned Counsel for the Applicants, while praying to quash the order dated 02.11.2012 at Annexure-A/7 prays to stay the order at Annexure-A/7 till a decision is taken in the matter. Mr.T.Rath, Learned Standing Counsel appearing for the Respondents vehemently opposed the contentions of the Learned Counsel for the Applicants.

3. I have considered the rival submission of the parties. On the face of the pendency of the representations at Annexures-A/8 & A/9, I am not inclined to admit this OA. Hence, as agreed to by Learned Counsel for both sides, without going to the merit/ expressing any opinion on the merit of the matter, this Original Application is disposed of at this admission stage, calling upon the Respondent No.3 (before whom the representations at Annexures-A/8 & A/9 are stated to be pending), to take a decision on the said pending representations (at

8

Annexure-A/8 & A/9) and communicate the decision, in a well reasoned order to the Applicants. within a period of 45 (forty five) days from the date of receipt of copy of this order. Till such consideration is given and decision is communicated to the Applicants, status quo as on the date of the Applicants, shall be maintained. There shall be no order as to costs.

4. Send copy of this order along with OA to the Respondent Nos.2, 3,4,5,6 & 7 by post at the cost of the Applicants; for which Learned Counsel for the Applicants undertakes to deposit the postal requisites within two days.


(A.K.Patnaik)
Member(Judl.)