

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 765 OF 2013

Cuttack, this the 20th day of November, 2013

CORAM

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

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1. Manas Karmakar, aged about 40 years, Son of Late M.C. Karmakar, At: Ramchandrapur, Near R.I. Chaak, P.O: Jatni, Dist-Khurda, Presently working as JEE/TL/BBS under ADEE(G)/BBS.
2. Aninda Sundar Mallik, aged about 38 years, Son of Bhakti Bhusan Mallik, At: Ram Mandir Road, P.O./Dist: Puri, Pin:752002. working as JEE/(TL) under ADEE(cng) Puri. East Coast Railway, Puri. Presently working as JEE/TL/BBS under ADEE(G)/BBS.
3. P. Subba Rao, aged about 50 years, Son of P. Venkata Rao, Plot No.27 Chintamani Nagar, Near Lalmath, P.O: Jatni, Dist-Khurda, Presently working as JEE/TL/PUI under DEE(CHG) Puri. East Coast Railway, Puri.
4. Arbinda Padhy, aged about 49 years, Son of Raghunath Padhy, At: Hata Bazar, Backside Durgamandir, P.O: Jatni, Dist-Khurda, Presently working as JEE/TLI/KUR under Sr. DEE(G)/KUR.
5. Pabitra Kumar Sethi, aged about 42 years, Son of Late Dinabandhu Sethi, Sadhuvihar Dhauli Chhak, Plot No.45/D, BBSR, Presently working as JEE/P/ under SSE Electrical power station/BBSR Ashok Nagar/BBS. Under ADEE (G)/BBS.

.....Applicantsa

Advocate(s).....M/s. A. Kanungo, C. Nayak

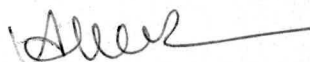
VERSUS

Union of India represented through

1. The General Manager,
East Coast Railway,
Rail Vihar, Chandrasekharapur,
Bhubaneswar, Dist-Khurda.
2. Divisional Railway Manager (P),
East Coast Railway,
Khurda Road, P.O.- Jatani,
Bhubaneswar, Dist-Khurda.
3. Senior Divisional Personnel Officer,
East Coast Railway,
At/P.O.- Jatani, Dist-Khurda.
4. Senior Divisional Electrical Engineer (G),
East Coast Railway, Khurda Road,
At/P.O.- Jatani, Dist-Khurda.

..... Respondents

Advocate(s) : Mr. T. Rath.



ORDER (ORAL)

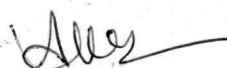
MR. A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. A. Kanungo, Ld. Counsel for the applicants, and Mr. T.Rath, Ld. Standing Counsel appearing for the Respondent-Railway, on whom a copy of this O.A. and M.A. have already been served.

2. M.A.No. 819/13 filed by the applicants to prosecute this case jointly is allowed. M.A. is, accordingly, disposed of.

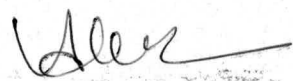
3. The applicants have challenged the order dated 18.10.2013 under Annexure- 12, which as it appears has been issued, in pursuance of the order dated 06.01.2007 of this Tribunal in O.A. No. 300/07.

4. Mr. T. Rath, Ld. Standing Counsel for the Railway, submitted that the order passed in O.A. No. 300/07 has already been confirmed by the Hon'ble High Court of Orissa and though the Applicants were arrayed as Respondents in the O.A. they did not appear or file counter. Therefore, M. Rath contested the matter. Taking into consideration the submission made by the Ld. Counsel for the respective parties and keeping in mind the order passed by the Division Bench of this Tribunal, which has already been confirmed by the Hon'ble High Court of Orissa, I am of the view that this is a fit case to be heard by the Division Bench. But it was contended by Mr. Kanungo, Ld. Counsel for the applicants, that in the meantime representation dated 09.11.2013 has been preferred by the applicants before Sr. Divisional Personnel Officer, E.Co.Railway, BBSR, (Respondent No.3), against the order under challenge but nothing has been intimated to the applicants on the same though the applicants



have a right to know the result thereof. Accordingly, he has prayed to dispose of the O.A. with direction to Res. No.3 to consider the said representation and till then the status of the applicants shall not be disturbed. In view of the above, without expressing any opinion on the merit of the matter, this OA is disposed of at this admission stage with direction to Respondent No. 3 to consider the said representation dated 09.11.2013 (if any such representation has been preferred and the same is still pending) and communicate the result thereof, in a well-reasoned order, at an early date, preferably within a period of four weeks from the date of receipt of copy of this order. If, in the meantime, the representation so preferred has already been disposed of, the result thereof shall be communicated to the applicants within a period of one week from the date of receipt of copy of this order. Till the representation is considered and result is communicated status quo in respect of the applicants shall be maintained. There shall be no order as to costs.

5. Copy of this order be handed over to Ld. Counsel for both the sides. Applicants are at liberty to produce copy of this order before Respondent No. 3, who on receipt of the order, shall do well to comply with the order within the stipulated period as directed above. Copy of this order be also communicated to Respondent No. 3 by 22.11.2013 by the Registry through Speed Post at the cost of the applicants for which Mr. Kanungo undertakes to file the postal requisites by 22nd November, 2013.


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