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CENTRAL ADMINISTRATIVE TRIBUNAL CUTTACK BENCH, CUTTACK

O. A. No. 816 of 2013

Cuttack the 11th day of December, 2013

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

1. Purna Chandra Rana, aged about 43 years, Son of Padmalava Rana, At-Bhingarpur, PO. Bhatapatna, PS-Balianta, Dist. Puri at present residing at Majhana Sahi, PO. Kudiary, Dist. Khurda, Pin-752 050.
2. R. Srinibas Rao, aged about 49 years, Son of R.Chineya Reddy resident of Purna Chhatrapur, PS. Chhatrapur, Dist. Ganjam at present residing at Loco Colony, Q/N-A-82 (B), Po/Ps.Jatni, Dist. Khurda.

....Applicant

(Advocates: M/s.B.Mohanty, T.K.Patnaik, A.Patnaik, B.S.Rayaguru, S.Patnaik)

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Union of India Represented through -

1. The Secretary to Government of India, Railway Board, Ministry of Railway, Rail Bhavan, New Delhi-110 001.
2. The General Manager, East Coast Railway, Samant Vihar, PO-Mancheswar, Bhubaneswar, Dist. Khurda.
3. The Divisional Railway Manager, East Coast Railway, Khurda Road Division, Po.Jatni, Dist. Khurda.
4. The Sr. Divisional Personnel Officer, East Coast Railway, Khurda Road, Jatni, Dist. Khurda.

....Respondents

(Advocate: Mr.T.Rath)

O R D E R

(Oral)

A.K.PATNAIK, MEMBER (I):

The stand and stance ~~of the case~~ of the applicants is that they were the
Aspirant candidates for appointment as substitute in pursuance of the advertisement

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dated 13.08.1990 issued by the Respondent No.2 for the children of the Railway employees who retired from service between 01.01.1987 to 31.12.1993. Though they faced the interview, Respondent No.2, on the ground of irregularity in the examination, cancelled the selection on 22.01.1999. The said cancellation was challenged in OA No. 520/2001 by some of the candidates. The said OA was disposed of by this Tribunal with certain direction on 16th April, 2004. The Respondent-Department challenged the order of this Tribunal before the Hon'ble High Court of Orissa in WP (C) No. 8814 of 2004. By making representation the Applicants in the instant OA prayed for consideration of their cases in the light of the order of this Tribunal dated 16th April, 2014. Thereafter the applicants along with others approached this Tribunal which was also disposed of by this Tribunal directing the Respondents to consider and dispose of the representations of the Applicants. Respondents, in compliance of the order of this Tribunal, considered the representation and intimated the applicants that as the order of this Tribunal is currently under consideration of the Hon'ble High Court in WP (C) No. 8814 of 2004 and the Hon'ble High Court/CTC has also stayed the order dated 16.4.2004 passed in OA No. 520/01 further action on your representation dated 24.6.2005 will be taken basing on the outcome of the judgment of Hon'ble High Court in WP (C) No.8814 of 2004 which is now subjudice. The positive case of the applicants is that though WP (C) No. 8814 of 2004 has already been disposed of by the Hon'ble High Court of Orissa on 17.3.2006 and applicants therein have already



been appointed yet the case of the applicants, though covered by the said decision has not been considered by the Respondents.

2. Heard Mr.B.N.Mohanty, Learned Counsel appearing for the Applicant and Mr.Trilochan Rath, Learned Standing Counsel for the Railway-Respondents and perused the records. Mr.Rath accepts notice for the Respondents, in view of the above, Registry is directed to hand over copies of the notices to Mr.Rath. Mr.Rath vehemently objected to the maintainability of this OA on various grounds but I do not find any justifiable reason to record the same at this stage as I find that as per the promise made, in letter dated 18.11.2005, Respondent No.4 was under obligation to intimate final outcome of the representation after the disposal of the WP (C) No. 8814 of 2004 on 17.3.2006. Having not done so, this OA is disposed of at this admission stage with direction to the Respondent No.4 to communicate the final outcome keeping in mind the order of the Hon'ble High Court dated 17.3.2006 in WP (C) No. 8814 of 2004, if not already done, in the meantime, within a period of 60(sixty) days from the date of receipt of copy of this order. There shall be no order as to costs.

3. As prayed for by Mr. Mohanty, Learned Counsel for the Applicant copy of this order be sent to Respondent No.4 by speed post for compliance at his cost for which he undertakes to furnish the postal requisite within three days hence.

A.K.PATNAIK
(A.K.PATNAIK)
Member (Judl.)