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K.Sahu-Vrs-UOI&Ors

ADMISSION Sl.No.4  
OA No.260/00263/14

**Order – dated 14<sup>th</sup> May, 2014.**

**CORAM**

THE HON'BLE MR.A.K.PATNAIK, MEMBER (JUDL.)  
THE HON'BLE MR.R.C.MISRA, MEMBER ADMN.)

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The applicant stating to be the son of a retired Railway employee has filed this OA challenging the inaction of the Railway- Respondent in not appointing him as fresh faces substitute in pursuance of the invitation of applications from the children of the railway employees who had retired on superannuation or voluntarily after 1.1.1987 or were to retire from service by 31.12.1993 in pursuance of the order of the Hon'ble High Court of Orissa dated 17.3.2006 in WP ( C ) No.8814/2004 filed by similarly situated candidates.

Heard Mr.R.Acharya, Learned Counsel for the Applicant and Mr.T.Rath learned standing counsel for the Railway; on whom copy of this OA has been filed and perused the records. Mr.Rath has submitted that according to the applicant was one of the applicants in OA No. 45 of 2010 earlier filed before this Tribunal praying for the relief as claimed in this OA. But the said OA was dismissed for default which has not been restored till date. As such, the present OA with self same relief is not maintainable. On the other hand, Mr.Acharya submitted that as one of the applicants in OA No. 45/2010 has in the meantime expired and that the



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counsel appearing for the applicants in OA No. 45/2010 is not cooperating so as to file application for restoration of the said OA. But Mr.Rath submitted that the submission made by Mr.Acharya cannot be a valid ground to maintain this OA.

We agree with the stand taken by Mr.Rath that when the earlier OA was dismissed for default and no step has been taken to restore the same this OA is not maintainable in the present form. Hence this OA stands dismissed. There shall be no order as to costs.



Member (Admn.)



Member (Judl.)