

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O. A. NO. 260/00625 OF 2014

Cuttack, this the 21st day of August, 2014

P. Nanda & Ors..... Applicants

-Versus-

Union of India & Others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not?

2. Whether it be referred to PB for circulation?



(R.C.MISRA)
MEMBER (Admn.)



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

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Cuttack, this the 21st day of August, 2014

CORAM

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

HON'BLE MR. R. C. MISRA, MEMBER (A)

1. Prasanta Nanda, aged about 30 years, S/O.Arjuna Nanda.
2. S. Jagadish Dora, aged about 32 years, S/o.S.S. Rao.
3. Sanjay Kumar Patra, aged about 32 years, S/o.Narsu Patra.
4. Sanyasi Nayak, aged about 26 years, S/o.Upendra Nath Nayak.
5. Premananda Sahoo, aged about 24 years, S/o.Purusottam Sahoo.
6. Sujit Kumar Rout, aged about 24 years, S/o.Jangyaswar Rout.
7. Maheswar Parida, aged about 30 years, S/o.Chita Parida.
8. Dukhisyama Sahoo, aged about 28 years, S/o.Kailash Ch. Sahoo.
9. Pradyumna Kumar Jena, aged about 34 years, S/o.Jaggnath Jena.
10. Bibuti Bhusan Pagal, aged about 25 years, S/o.Udaya Pagal.
11. Janmejaya Palata, aged about 30 years, S/o. Kashinath Palata,
12. Manas Parida, aged about 34 years, S/o.Dandapani Parida.
13. Badri Narayan Singh, aged about 28 years, S/o.Saroj Ku. Sethy,
14. Manas Ranjan Behera,aged about 28 years, S/o.Saroj Ku. Sethy.
15. Majoj Kumar Pradhan, aged about 30 years, S/o.Kuna Ch. Pradhan.
16. J. Santosh Kumar, aged about 28 years, S/o.J. Chinnapadu,
17. Jagamohan Khuntia, aged about 29 years, S/o.Bhabagrahi Khuntia.
18. H.M.D. Pattnaik, aged about 24 years, S/o.K. Surya Prakash Rao.
19. Kodandadhar Mishra, aged about 30 years, S/o.Raghaba Mishra,
20. Prakash Ch. Naik, aged about 32 years, S/o.Krushna Ch. Naik.
21. Satyabrata Behera, aged about 29 years, S/o.Satrughana Behera.
22. Biswaranjan Sethy, aged about 32 years, S/o.Satrughana Behera.
23. Soumya Ranjan Lenka, aged about 32 years, S/o.Tikam Lenka.
24. Manas Ranjan Bhyyan, aged about 32 years, S/o.Maheswar Bhuyan
25. Kalu Ch. Behera, aged about 35 years, S/o.Kabiraj Behera.
26. Suman Ku. Sahoo, aged about 25 years, S/o.Baishnab Ch. Sahoo.
27. Bijaya K. Das, aged about 30 years, S/o.Gopinath Barik.
28. Prakash Sethy, aged about 33 years, S/o.Nanda Kishore Sethy.
29. Priyabrata Subudhi, aged about 30 years, S/o.Maheswar Subudhi.
30. Ashish Ku. Mahanta, aged about 23 years, S/o.Jay Gopal Mahanta.
31. Satya Ranjan Sahoo, aged about 30 years, S/o.Kampal Sahoo.
32. Tapas Kumar Giri, aged about 25 years, S/o.Maheswar Giri.
33. Ajit P. Panda, aged about 28 years, S/o.Debendranath Panda.

All the applicants at present working as Asst. Loco Pilot, under Sr. Divisional Electrical Engineer (OP) E.Co. Rly./Khurda Road Division, At/P.O.-Jatni, Dist-Khurda.

...Applicants

(Advocates: M/s.N.R.Routray, J. Pradhan, T.K.Choudhury, S.K.Mohanty)



VERSUS

Union of India Represented through

1. The General Manager,
East Coast Railway,
E.Co.R Sadan,
Chandrasekharpur,
Bhubaneswar, Dist. Khurda.
2. Divisional Railway Manager,
East Coast Railway,
Khurda Road Division,
At/P.O.-Jatni, Dist. Khurda.
3. Sr. Divisional Personnel Officer,
East Coast Railway,
Khurda Road Division,
At/P.O.-Jatni, Dist. Khurda.
4. Sr. Divisional Electrical Engineer (OP),
East Coast Railway,
Khurda Road Division,
At/P.O.-Jatni, Dist. Khurda.

... Respondents

(Advocate: Mr. T. Rath)

ORDER (ORAL)

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

Heard Mr. N.R.Routray, Learned Counsel for the Applicants, and Mr. T.Rath, Ld. Standing Counsel appearing for the Respondent-Railways, both on O.A. & M.A. No.641/14 and perused the materials placed on record. Prayer made in the M.A is allowed and M.A. is accordingly disposed of.

2. In so far as the Original Application is concerned, the case of the applicants in nutshell is that they having been selected by the Railway Recruitment Board, Bhubaneswar were empanelled for appointment to the posts of Assistant Loco Pilot (ALP). Thereafter, the Authorities sent the ALPs for training, in a phase manner and posted as Assistant Loco Pilot (ALP) (Elect.) in Khurda Road Division. Respondent No.3 issued a



provisional seniority list on 09.10.2012 (Annexure-A/2). Mr. Routray submitted that Rule-303 of India Railway Establishment Manual 1989 Vol-I, Chapter-3 is the rule regarding fixation of seniority of the candidates recruited through the Railway Recruitment Board. Against the said Provisional seniority list the applicants and others submitted representation on 16.07.2014 (Annexure-A/3) to Respondent No.3 with a request to publish appropriate seniority list of the ALPs empanelled by RRB/BBS in the year 2011. Mr. Routray, Ld. Counsel submitted that till date applicants have not received any reply on the said representation and he will be satisfied if this O.A. is disposed of with direction to Respondent No.3 to dispose of the same with a reasoned and speaking order.

3. On the other hand, Mr. Rath, has opposed the very maintainability of the O.A. on various grounds which we do not think appropriate at this stage to discuss.

4. It is the specific case of the applicants that no decision has been received by them on the representation submitted on 16.07.2014 (Annexure-A/3). Hence, without going into the merit of this case, we direct the Respondent No.3 to consider and dispose of the said representation dated 16.07.2014 (Annexure-A/3), if it has been received and is still pending, in a reasoned and speaking order as per Rules within a period of 30 days from the date of receipt of copy of this order and communicate the result thereof to the applicant.

5. With the above observation and direction, this O.A. is disposed of. No costs.



6. As agreed to by Ld. Counsel for both the sides, copy of this O.A., along with the copy of this order, be transmitted to Respondent No. 3 by Speed Post at the cost of the applicant, for which Shri Routray undertakes to furnish the postal requisites by 25.08.2014.



(R.C.MISRA)
MEMBER (Admn.)



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

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