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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.260/00946 of 2014

Cuttack this the 29th day of December, 2014

CORAM

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

1. Ajay Kumar Jena, aged about 39 years, S/o. Shyam sundar Jena, presently working as Sr.ALP, at-LoCo Office, Titilagarh
2. R.Bhopathi, aged about 35 years, S/o. O.Ramasamy, presently working as working as Sr.ALP, at-LoCo Office, Titilagarh
3. R.K.Nandanwar, aged about 35 years, S/o.D.C.Nandanwar, , presently working as working as Sr.ALP, at-LoCo Office, Titilagarh
4. Arjun Kumar Pujar, aged about 31 years, S/o.Mahabir Pujar, , presently working as working as Sr.ALP, at-LoCo Office, Titilagarh
5. Pramod Kumar Toppo, aged about 32 years, S/.Sursh Toppo, , presently working as working as Sr.ALP, at-LoCo Office, Titilagarh
6. Sathu Rajwar, aged about 30 years, S/o. Surendra Rajwar, , presently working as working as Sr.ALP, at-LoCo Office, Titilagarh
7. Pradeep Kumar, aged about 33 years, S/o.Okil Kumar, , presently working as working as Sr.ALP, at-LoCo Office, Titilagarh
8. Bijoy Roy, aged about 35 years, S/o.NareshChandra Roy, , presently working as working as Sr.ALP, at-LoCo Office, Titilagarh
9. Mukutdhari Munda, aged about 25 years, S/o.Sudhir Munda, , presently working as working as Sr.ALP, at-LoCo Office, Titilagarh
10. Sudhir Kumar rautkar, aged about 38 years, S/o.Munilal Routkar, , presently working as working as Sr.ALP, at-LoCo Office, Titilagarh
11. Subash Paswan, aged about 28 years, S/o.Uttam Paswan, , presently working as working as Sr.ALP, at-LoCo Office, Titilagarh
12. H.P.Majhi, aged about 38 ears, S/o.S.Majhi, , presently working as working as Sr.ALP, at-LoCo Office, Titilagarh

...Applicants

By the Advocate(s)-S.Das

-VERSUS-



Union of India represented through

1. The General Manager
East Coast Railway
At-Rail sadan, Chandrasekharapur
Bhubaneswar-17, Dist-Khurda
2. The Addl.Divisional Railway Manager,
Sambalpur Division
Sabalpur East Coast Railway
At/PO/Dist-Sambalpur
3. Sr.Divisional Mechanical Engineer
Sambalpur Division,
Sambalpur East Coast railway
At/PO/Dist-Sambalpur
4. Sr.Divisional Personnel officer
Sambalpur Division, Sambalpur East Coast Railway
At/PO/Dist-Sambalpur

...Respondents

By the Advocate(s)-Mr.T.Rath
ORDER(Oral)

R.C.MISRA, MEMBER(A):

Heard Shri S.Das, learned counsel for the applicants and Shri T.Rath, learned Standing Counsel for the Respondent-Railways. M.A.No.933 of 2014 for joint prosecution is allowed and thus disposed of.

2. 12 Applicants having a common cause of action have approached this Tribunal with a grievance that although they belong to SC/ST categories, in total violation of the principles of reservation which is enclosed at Annexure-2 in which promotion of post based model roster has been provided for, the Respondents have gone ahead to give promotion to the position of Loco Pilot ignoring the case of the applicants. It is the contention of the learned counsel that the applicants have submitted a joint representation dated 2.12.2013 to



Respondent No.2, i.e., ADRM, Sambalpur Division, East Coast Railways, Sambalpur in which they have ventilated their grievances.

3. On the last date of listing on 22.12.2014, Shri Rath had undertaken to obtain instructions with regard to pendency of the applicants' representation. To-day, he submitted that no such representation was actually pending before the authorities. However, learned counsel for the applicants has produced photo copy of a letter dated 4.12.2013 by which the Chief Crew Controller of the East Coast Railways, Titilagarh has forwarded the joint appeal of the applicants to Sr.DME, Sambalpur Division. Shri Rath submitted that now that the applicants have produced some document with regard to submission of the representation, the Respondents would consider the same in the light of the instructions of the Railway Board with regard to reservation.

4. After hearing the learned counsel for the parties, I find that since a representation dated 2.12.2013 is pending, it will be ^{appropriate} at this stage, without entering into the merit of the case, to direct the ADRM (Res.No.2) to consider the matter on the basis of submissions made in the joint representation having regard to the principles of reservation as enunciated by the Railway Board and pass a reasoned and speaking order within a period of sixty days from the date of receipt of this order.

Ordered accordingly.

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



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6. As prayed for by the learned counsel for the applicant, copy of this order along with paper book be sent to Respondent Nos.2 and 3 at the cost of the applicant, for which Shri Das undertakes to file the postal requisites by 30.12.2014. Free copy of this order be made over to learned counsel for both the sides.


(R.C.MISRA)
MEMBER(A)

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