

CALCUTTA BENCH

M.A. 141/98
(O.A. No. 221 of 97)

Present : Hon'ble Mr. D. Purkayastha, Judicial Member.

Uday Kumar Mondal & Anr.

- v e r s u s -

South Eastern Railway

For the applicants : Mr. A.K. Gayen, counsel.

For the respondents : None.

Heard on 22.4.98

Order on 22.4.98

 O R D E R

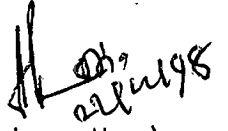
D. Purkayastha, JM

I have heard the Id. counsel for the applicant. The applicant has filed the O.A. bearing No.221/97 for getting promotional benefit according to the respective seniority as incorporated his names in the panel published on 21.1.97 vide memo No.ECA/1-2/97. Now the applicant has filed this M.A. for seeking interim order staying the operation of the notification No.ECA/3/4/HD. TTE/HD.TC/SEL/Pt dated 17.4.98 for holding the written test scheduled to be held on 25.4.98. According to the applicant he was selected as per panel for promotion to the post of Hd. TTE/HD-TC in the Department. But he was not appointed at that time. And during the pendency of this O.A. respondents made further notification on 17.4.98 for holding further written test on 25.4.98 for the post of HD.TTE/DH under the respondents. The applicants submits that if the written test is allowed he would suffer irreparable loss which cannot be compensated with money. Ms. B. Ray, Id. counsel for the respondents is absent today. The respondents also did not file any reply to the O.A. as well as to the application for interim stay. I have gone through the application. I have considered the submission of the Id. counsel for the applicants on that score. I find that the applicant would not suffer any irreparable loss as he would get all service benefits if he ultimately succeeds in the O.A. bearing No.221/97 and he will also

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get all consequential benefits thereof. I also find the Administration will suffer if the impugned notification is stayed just before 4 days of holding the written test to be held on 25.4.98. Therefore, that prayer of stay of the applicants is rejected. The applicants may appear in the written test which is scheduled to be held on 25.4.98 without prejudice his right to the earlier application. And the respondents are directed to allow the applicants to appear in the written test accordingly. M.A is, therefore, disposed of.

2. No order is passed as to costs.


(D. Purkayastha)
Judicial Member.

a.k.c.