

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

Original Application No.613 of 2011
Cuttack this the 17th day of August, 2018

CORAM:
HON'BLE MS.MANJULA DAS, MEMBER(J)
HON'BLE MR.NEKKHOMANG NEIHSIAL, MEMBER(A)

Sailendra Sarkar, aged about 51 years, S/o. Late Arjun Sarkar, at present resident of Qr.No.D/54/5, Rail Vihar Colony, Rail Vihar, Chandrasekharpur, Bhubaneswar – working as M.V.Driver, Gr.II under Dy.Chief Engineer/P/E.Co.Rly/Rail Vihar, Chandrasekharpur, Bhubaneswar

...Applicant

By the Advocate(s)-M/s.N.R.Routray
S.Mishra
T.K.Choudhury
S.K.Mohanty

-VERSUS-

Union of India represented through:

1. The General Manager, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist-Khurda.
2. Chief Administrative Officer, Construction, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist-Khurda.
3. Senior Personnel Officer, Construction/Coordination, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist-Khurda.
4. Chief Engineer/Construction, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist-Khurda.
5. Assistant Engineer/Settlement/HQRS, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist-Khurda.

...Respondents

By the Advocate(s)-Mr.M.K.Das

ORDER
MR.NEKKHOMANG NEIHSIAL, MEMBER(A):

In this Original Application, the applicant is seeking for the following reliefs:

- a) To quash the impugned order of rejection dated 25.08.2011 and 15.10.2012 under Annexure-A/13 and A/18.
- b) To direct the Respondents to regularize the service of the applicant w.e.f. 08.08.1993 in the scale of Rs.950-1500/-.

2. The Bench gave extensive hearing to the learned counsels of both the parties. On perusal of records, it is seen that similar issue has been dealt with by this Tribunal in O.A.Nos.36/2009,198/2009 and 248/2009 and disposed of on 02.05.2011 with the following direction.

"6.In view of the above, as agreed to by learned counsel for both sides, these three Original Applications are disposed of with direction to the Respondents that in case the applicants are the TPCL staff then their cases or regularization in Gr.C post (without any back wages) should be examined by the Respondents with reference to the orders of the CAO(C) ECoRly and pass appropriate orders within a period of 90 (ninety) days from the date of receipt of copy of this order. No costs".

3. Accordingly, the Respondents issued a speaking order dated 25.08.2011. In the speaking order the request of the individual applicant has been considered and rejected mainly on the ground that there was no vacancy in Group-C post at the time of giving regularization of his service. It also highlighted that individual had willingly accepted his regularization of service in PCR Gr.D post.

4. In the meantime, the Respondents also submitted a memo dated 27.04.2018 in which they have highlighted that in a similar case of Laxminarayan Rout this Bench has disposed of O.A.No.628 of 2011 on 11.8.2014. On going through the said order of this Tribunal, it is observed that the issue under contest has been examined in detail and this Tribunal has since dismissed the said O.A. as devoid of merit. The relevant part of the order reads as follows:

"14.Having regard to the discussions held above, we hold that the applicant is not entitled to any relief sought for in this O.A. Accordingly, the O.A. being devoid of merit is dismissed. No costs".

5. After having examined all aspects of the issue including the claim laid by the applicant, it is felt that there is no point in further interfering in the matter and the O.A. is liable to be dismissed. Accordingly, the O.A. is hereby dismissed being devoid of merit. No costs.

(NEKKHOMANG NEIHSIAL)
MEMBER(A)

BKS

(MANJULA DAS)
MEMBER(J)

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Union of India & Ors....Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not ?
2. Whether it be referred to CAT, PB, New Delhi for being circulated to various Benches of the Tribunal or not ?

(NEKKHOMANG NEIHSIAL)
MEMBER(A)

(MANJULA DAS)
MEMBER(J)

Pre-delivery order in O.A.No.613 of 2011 is placed below for kind perusal and concurrence.

MEMBER(A)

HON'BLE MEMBER(J)