

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.260/598 of 2009

CORAM:

HON'BLE MR.GOKUL CHANDRA PATI, MEMBER(A)
HON'BLE MR.SWARUP KUMAR MISHRA, MEMBER(J)

Date of Reserve:12.12.2018

Date of Pronouncement: 03.01.2019

1. Shri Purna Chandra Behera, aged about 25 years, S/o. Makara, Village/Post-Kudiary, Via-Jatni, Dist-Khurda.
2. Niranjan Baidya (A) aged about 29 years, S/o. Udaynath, At/PO-Langaleswar, Dist-Ganjam.
3. Shri Gopinath Juharsingh, aged about 28 years, S/o. Ananta Juharsingh, At/PO-Langaleswar, Dist-Ganjam.
4. Shri Prafulla Behera, aged about 29 years, S/o. Sudam Behera, At/PO-Harirajpur, Via-Jatni, Dist-Puri.
5. Shri Laxmidhar Panda, aged about 31 years, S/o. Duryodhan Panda, At/PO-Harirajpur, Via-Jatni, Dist-Puri.
6. Shri Manmath Kumar Dash, aged about 39 years, S/o. Sri Dibyasingha Dash, At/PO-Harirajpur, Via-Jatni, Dist-Puri.
7. Shri Bijay Kumar Baidya, aged about 39 years, S/o. Balaram, At/PO-Langaleswar, Dist-Ganjam.
8. Sri Ramesh Ch.Pradhan, aged about 29 years, S/o. Bhagat Pradhan, At/PO-Langaleswar, Dist-Ganjam.
9. Shri Dhadeswar Nayak, aged about 30 years, S/o. Kanduri Nayak of Village-Gandapada, PO-Singh, berhampur, Dist-Puri.
10. Shri Niranjan Baidya(B), aged about 28 years, S/o. Bhimasen Baidya, At/PO-Langaleswar, Dist-Ganjam.

...Applicants

By the Advocate(s)-M/s.G.Rath

D.K.Mohanty

S.Rath

-VERSUS-

Union of India represented through:

1. The General Manager, E.Co.Railway, Chandrasekharpur, Rail vihar, Bhubaneswar, Dist-Khurda.

2. Chief Personnel officer, E.Co.Railway, Chandrasekharpur, Rail Vihar, Bhubaneswar.
3. Divisional Railway manager, East Coast Railway, Khurda Road Division, PO-Jatni, Dist-Khurda-752 050.
4. Sr.Divisional Personnel officer, East Coast Railway, Khurda Road Division, PO-Jatni, Dist-Khurda-752 050.

...Respondents

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

ORDER

PER MR.SWARUP KUMAR MISHRA, MEMBER(J):

In this Original Application under Section 19 of the A.T.Act, 1985, the applicants have sought for the following reliefs:

- i) To direct the Respondents to extend the benefit as has been granted to others pursuant to the decision of the Hon'ble High Court of Orissa dated 16.03.2006 in WP(C) No.8814 of 2004 by way of providing engagement in the Railway.
- ii) To direct the Respondents to provide the engagement as has been given to other similarly situated persons retrospectively with all consequential service and financial benefits.
- iii) To pass any other order/orders as deemed fit and proper.

2. None appeared on behalf of the applicants when called. Therefore, the matter was considered and decided as per Rule-14 of CAT(Procedure) Rules, 1987. We have heard Mr.T.Rath, learned Standing Counsel appearing on behalf of the respondents and perused the records.

3. Applicants herein claim that they are covered by the judgment and order dated 17.03.2006 of the Hon'ble High Court of Orissa in Writ Petition No.8814/2004 and in the circumstances, they have prayed for similar direction as has been issued by the Hon'ble High Court in the aforesaid Writ Petition.

4. In this connection, we have gone through the judgment and order of the Hon'ble High Court dated 17.03.2006 in W.P.(C) No.8814/2004. It reveals therefrom that against the order of this Tribunal dated 16.04.2004 in O.A.No.520 of 2001, Respondent-Railways had approached the Hon'ble High Court in the aforesaid Writ Petition and the Hon'ble High Court vide judgment dated 17.03.2006 disposed of the same in the following terms:

"9. In the result, the writ petition is allowed in part. The impugned judgment and order passed by the Tribunal is modified to the extent that on the availability of vacancies the petitioners shall invite applications according to their requirement by making publication in some newspapers having wide circulation. Opposite Parties 1 to 20 shall also be allowed to apply therein along with the outsiders, in case, they move applications pursuant to the same mentioning that they were applicants had applied for in respect of the earlier notification dated 13.8.1999 inviting applications for the same purpose. The case of those who have become over-age shall be considered for relaxation.

10. It goes without saying that as a result of the selection, the select list shall be prepared without any discrimination between the wards of the Ex. Railway employees and the outsider who are declared selected.

5. In the meantime, about nine years are going to be over since the date of filing of this O.A. and it is not known as what is the further development that has taken place in the time between. In view of the above, we dispose of this O.A. with direction to respondents that on the availability of vacancies the respondents shall invite applications according to their requirement by making publication in some newspapers having wide circulation. Applicants may apply for the same along with the outsiders provided they produce proof of having made applications for the same posts in response of earlier notification dated 13.08.1990. The case of those who have become over-age shall be considered for relaxation.

6. With the aforesaid observation and direction, this O.A. is disposed of with no order as to costs.

(SWARUP KUMAR MISHRA)
MEMBER(J)

(GOKUL CHANDRA PATI)
MEMBER(A)

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