

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 13897 of 2017

Arunjyoti Sahoo

.....

Petitioner

Mr. S.D. Routray, Adv.

Vs.

Union of India and others

.....

Opposite Parties

Mr. P.K. Parhi, DSGI along with

Mr. S.S. Kashyap, CGC

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE B.P. SATAPATHY

ORDER

29.11.2022

Order No.

08.

This matter is taken up through hybrid mode.

2. Heard Mr. S.D. Routray, learned counsel for the petitioner and Mr. P.K. Parhi, learned Dy. Solicitor General of India appearing along with Mr. S.S. Kashyap, learned Central Government Counsel.

3. The petitioner has filed this writ petition seeking to quash the judgment dated 02.01.2017 and order dated 28.02.2017 passed by the Central Administrative Tribunal in O.A. No. 36 of 2014 as well as in R.A. No.1 of 2017 under Annexure-15 and Annexure-17 respectively.

4. Mr. S.D. Routray, learned counsel for the petitioner contended that similar matter had come up for consideration before the Central Administrative Tribunal, Jabalpur Bench, Jabalpur in O.A. No. 200/435/2012, which was disposed of vide order dated 07.03.2019, wherein the date of induction of petitioner therein was held to be 01.02.2002 and direction was issued to modify the seniority list. Against the said order, Union of India filed writ petition before the High Court of Madhya Pradesh bearing M.P. No.2842 of 2019, which was dismissed vide order dated 2842 of 2019. Thereafter, against the order passed by the High Court of Madhya Pradesh

though Union of India filed SLP No.3008 of 2021, the same was dismissed vide order dated 26.02.2021. Thus, it is contended that nothing remains to be adjudicated in this writ petition by this Court at this stage when the judgment of the High Court of Madhya Pradesh has been affirmed by the apex Court. Therefore, it is contended that the petitioner having stood in the same footing, the benefit should have been extended to him in terms of the order dated 07.03.2019 passed in O.A. No. 200/435/2012 by the Central Administrative Tribunal, Jabalpur Bench, Jabalpur, which has been confirmed by the High Court of Madhya Pradesh and affirmed by the apex Court.

5. Mr. P.K. Parhi, learned Dy. Solicitor General of India appearing along with Mr. S.S. Kashyap, learned Central Government Counsel contended that if similar benefit has already been extended by virtue of the order passed by the Central Administrative Tribunal, Jabalpur Bench, Jabalpur, which has been confirmed by the High Court of Madhya Pradesh and affirmed by the apex Court, nothing remains to be adjudicated in the present writ petition. Accordingly, it is contended that this writ petition may be disposed of in terms of the aforesaid orders.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that the tribunal, vide judgment dated 02.01.2017 under Annexure-15, denied the benefit to the petitioner and, thereafter, though the petitioner preferred R.A. No.1 of 2017, the same was also dismissed vide order dated 28.02.2017 under Annexure-17. But similar question had come up for consideration before the Central Administrative Tribunal, Jabalpur Bench, Jabalpur in O.A. No. 200/435/2012, which was allowed in

favour of the petitioner therein, vide order dated 07.03.2019, and, as such, subsequently the same was confirmed by the High Court of Madhya Pradesh and affirmed by the apex Court. As it appears, the petitioner was appointed as a Traction Power Controller (Group-C post) on 09.04.1993. In the year 2003, South Eastern Railway was divided to South Eastern Railway, East Coast Railway and South East Central Railway. Thereafter, on 30.06.2003, a notification was issued for promotion to Group-B in South Eastern Railway against 30% vacancies through LDCE. On 26.03.2004, the petitioner was promoted to Group-B post in Khurda Division and joined on 29.03.2004 in South Eastern Railway. On 29.08.2005, the petitioner was absorbed in East Coast Railway in Group-B post. Similarly, the case which has already been decided by the Central Administrative Tribunal, Jabalpur Bench, Jabalpur in O.A. No. 200/435/2012, the petitioner therein, namely, Arjun Singh, was appointed as a Depot Storekeeper (Group-C post) on 25.05.1993 and pursuant to notification of the Railway in the year 2002, there were seven new zones including West Central Railway. On 24.05.2000, a notification was issued for promotion to Group-B in South Eastern Railway against 30% vacancies through LDCE. As a consequence thereof, the petitioner, Arjun Singh, who was before the Central Administrative Tribunal, Jabalpur Bench, was promoted to the Group-B post in South Eastern Railway on 01.02.2002. Thereafter, he was absorbed in West Central Railway in Group-B post on 20.10.2004. Therefore, it is contended that the case of the Arjun Singh which was considered and disposed of by the Central Administrative Tribunal, Jabalpur Bench, is akin to the case of the present petitioner. As the benefit has already been extended by the

Central Administrative Tribunal, Jabalpur Bench, which has been confirmed by the High Court of Madhya Pradesh and affirmed by the apex Court, there is no iota of doubt that the ratio decided by the Central Administrative Tribunal, Jabalpur Bench in Arjun Singh's case, is applicable to the present case. Thereby, the judgment dated 02.01.2017 and order dated 28.02.2017 so passed by the Central Administrative Tribunal in O.A. No. 36 of 2014 as well as in R.A. No.1 of 2017 under Annexure-15 and 17 are liable to be quashed and are hereby quashed. Consequentially, this Court is of the considered view that on the basis of the reasons assigned in Arjun Singh's case (supra) by the Central Administrative Tribunal, Jabalpur Bench, Jabalpur, which has been confirmed by the High Court of Madhya Pradesh and affirmed by the apex Court, for the same reasoning, the benefit should be extended to the petitioner and this Court ordered accordingly. Needless to say, the benefit admissible to the petitioner should be extended to him as expeditiously as possible, preferably within a period of three months from the date of production of certified copy of this order.

7. The writ petition is accordingly disposed of.

Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(B.P. SATAPATHY)
JUDGE

Ashok