

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

Original Application No. 401 of 1987.

Date of decision: April 5, 1988.

Sri Ajaya Kumar Biswal,  
aged about 28 years, son of  
Daitary Biswal, Ex-Contingent Labourer in  
the Office of the A.G. (A & E), Orissa,  
At, P.O. Bhubaneswar, Dist. Puri at present  
at village Bahudiha, P.O. Jhadalinga,  
Dist. Puri.

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Applicant.

Versus

1. Union of India,  
represented by the Secretary,  
Department of Indian Audit & Accounts,  
New Delhi.
2. Accountant General, Orissa,  
At, P.O. Bhubaneswar, Dist. Puri.
3. Senior Deputy Accountant General  
(Administration), Office of the  
Accountant General, Orissa, (A.E.),  
At, P.O. Bhubaneswar, Dist. Puri.

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Respondents.

For the applicant

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M/s. Deepak Misra,  
R.N. Naik, S.S. Hota,  
R.N. Hota, & A. Deo,  
Advocates.

For the respondents

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Mr. Ganeswar Rath, Additional  
Standing Counsel (Central)

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C O R A M :

THE HON'BLE MR. B. R. PATEL, VICE-CHAIRMAN

A N D

THE HON'BLE MR. K. P. ACHARYA, MEMBER (JUDICIAL)

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1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
  2. To be referred to the Reporters or not ? NO.
  3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

J U D G M E N T

K.P.ACHARYA, MEMBER (J)

In this application under section 19 of the Administrative Tribunals Act, 1985, the prayer of the applicant is to absorb the applicant in regular vacancy and to give him some work as Contingent labour as and when work is available.

2. Shortly stated, the case of the applicant is that he was an ex-contingent labour in the Office of the Accountant General, Orissa working since 1981 till 1985 intermittently. In the year 1985 the applicant was not available due to his sickness and thereafter no work as contingent labour is given to him for which he feels aggrieved. Hence the prayer of the applicant is to give him some work as contingent labour and to absorb him in Class IV post whenever vacancy occurs.

3. We have heard Mr. Deepak Misra, learned counsel for the applicant and learned Additional Standing Counsel (Central), Mr. Ganeswar Rath at some length. We would direct that if the applicant is available in the Office of the Accountant General to undertake the work as contingent labour on the day on which the work is available, work should be given to the applicant and so far as the prayer of the applicant to absorb him in regular Class IV post, if there are any regular vacancies in Class IV posts, the applicant's case should be considered for absorption to the regular vacancies, according to Rules.

4. Thus, this application is accordingly disposed of leaving the parties to bear their own costs.

B.R.PATEL, VICE-CHAIRMAN,

Central Administrative Tribunal,  
Cuttack Bench, Cuttack,  
April 5, 1988/S. Sarangi.

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Member (Judicial)

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Vice-Chairman.