

9

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

Original Application No. 261 of 1988

Date of decision : November 29, 1988.

Hemanta Kumar Mohanty, son of late Gopinath Mohanty,
At- Chadaiguan, P.O. Kalupadaghat, Dist- Puri.

... Applicant.

Versus

1. Union of India, represented by its Secretary, Ministry of Defence, New Delhi.
2. Director of Civilian Personnel, Naval Headquarters, New Delhi.
3. The Flag Officer Commanding-in-Chief, Headquarters, Eastern Naval Command, Vizasakapatnam.
4. Commanding Officer, I.N.S., Chilika, At/P.O- Chilika, Dist- Puri.

... Respondents.

M/s Deepak Misra, R.N. Naik
and A. Deo, Advocates

... For Applicant.

Mr. A.B. Misra, Sr. Standing Counsel
(Central)

... For Respondent

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)

1. Whether reporters of local papers are permitted to see the judgment ? Yes .
2. To be referred to the Reporters or not ? *Not*
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes .

JUDGMENT

K.P. ACHARYA, MEMBER (J), In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to pass appropriate orders directing the respondents to regularise/convert the services of the petitioner on regular/ permanent basis with effect from his initial date of appointment i.e., 12.12.1984 with all consequential service benefits.

2. Shortly stated, the case of the petitioner is that he was appointed on 12.12.1984 as a Lower Division Clerk on casual basis in I.N.S. Chilka. As yet the services of the petitioner not having been regularised and a regular appointment order not having been issued to fill up certain vacancies which have occurred, the petitioner feels aggrieved and has approached this Bench with the aforesaid prayer.

3. We have heard learned counsel for the petitioner and Mr. A.B. Misra, learned Sr. Standing Counsel (Central) at some length. Learned counsel for the petitioner invited our attention to the matters contained in Annexure-1 on the subject "regularisation of services; causal employees". This letter is dated 31st May, 1985. Cases of two incumbents have been recommended to the Flag Officer, Commanding-in-Chief Headquarters, Eastern Naval Command, Visakhapatnam by the I.N.S. Chilka to regularise their services and they are Miss Chabbi Chakrabarti and Sri Hemanta Kumar Mohanty (the present petitioner). Recommendation has been given to regularise the services of the petitioner with effect from 13.3.1985. Our attention was also drawn to Annexure-2 in which the Civilian Gazetted Officer, Staff Officer (Civilians) has

intimated the Commanding Officer, INS Chilka that the case of the petitioner will be considered at the appropriate stage. In the said letter it is also indicated that the regularisation of the services of casual L.D.Cs is being done based on the seniority and depending upon the availability of regular vacancies. Since vide Annexure-1 case of the petitioner was recommended by the appropriate authority, we presume that the officer of the INS Chilka was satisfied about the seniority of the petitioner and due to his seniority and suitability the petitioner was sought to be recommended for regularisation. Now it remains to be considered whether the vacancy exists or not. Having heard learned counsel for both sides and after giving our anxious consideration to the arguments advanced at the Bar, we direct that the case of the petitioner be considered for regularisation in the future available vacancy.

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

Ans. Ags.
29.11.88
.....
Member (Judicial)

B.R. PATEL, VICE CHAIRMAN, *I agree.*

Ans. Ags.
29.11.88
.....
Vice Chairman

Central Administrative Tribunal,
Cuttack Bench.
November 29, 1988/Roy, Sr. P.A.