

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH :CUTTACK.**

Original Application No.303 of 1988.

Date of decision :January 19,1989.

1. Jaya Narayan Mishra, son of Pasupati Mishra
2. Nityananda Biswal, son of Chandramani Biswal
3. Nagendranath Ojha, son of Dinabandhu Ojha
4. Bata Krushna Sahoo, son of Biswanath Sahoo
5. Durga Charan Subudhi, son of Muralidhar Subudhi
6. Dolagobinda Panda, son of Purusottam Panda
7. Niranjan Sethi, son of Kanhu Charan Sethy
8. Chakradhar Balabantaray, son of Maheswar Balabantaray
9. Prabhat Kumar Mishra, son of Biswanath Mishra
10. Aparti Martha, son of Krushna Chandra Martha
11. Prasanna Kumar Beura son of Daitary Beura
12. Madan Mohan Sutar, son of Babaji Sutar
13. Himansu Sekhar Pattnayak, son of Laxmidhar Pattanayak
14. Manoj Kumar Singh, s/o Daitari Singh
15. Debananda Das, son of Dadhibaman Das.

All are Casual Mazdoors, at present working in the Office of the Assistant Engineer, Cross Bar (Maintenance), At/P.O.Bhubaneswar, District-Puri. ... Application

Applicants.

Versus

1. Union of India, represented by its Secretary in the Department of Telecommunications, New Delhi.
2. Director General, Telecommunications, Department of Posts, New Delhi.
3. General Manager, Telecommunications, Orissa Circle, At, P.O.Bhubaneswar, District-Puri.
4. Telecom District Engineer, At/P.O.Bhubaneswar, District-Puri.

5. Baikuntha Parida, Casual Mazdoor,
Office of the Asst. Engineer, Coaxial,
Bhubaneswar, District.Puri.

6. Rusi Parida, Casual Mazdoor, Office of the
Telecom Dist.Engineer, At/P.O.Bhubaneswar,
District-Puri.

7. Nabakishore Rout, Casual Mazdoor,
Office of the Asst.Engineer, Microwave Station,
At/P.O.Bhubaneswar, Dist-Puri.

8. Lokanath Singh, Casual Mazdoor,
Office of the S.D.O.,Phones, At./P.O.
Bhubaneswar, District-Puri.

9. Bairagi Mohanty, Casual Mazdoor,
Office of the S.D.O.,Telegraphs, At/P.O./
Dist.Puri.

10. Rabindra Kr.Nayak, Casual Mazdoor,
Office of the Asst. Engineer, Microwave
Station, At/P.O.Bhubaneswar, Dist-Puri.

11. Dinabandhu Nayak, casual Mazdoor,
Office of the Asst. Engineer, Coaxial Maintenance,
At/P.O.Barkul, Dist-Puri.

12. A.M.A.Khan, Casual Mazdoor,
Office of the Asst. Engineer, Coaxial Maintenance,
At/P.O.Barkul, Dist.Puri.

13. Bajia Hati, Casual Mazdoor,
Office of the S.D.O.Telegraphs,
At/P.O.Jatni, District-Puri.

14. Satish Ch.Pradhan, Casual Mazdoor,
Office of the Assistant Engineer, Coaxial
Maintenance, At/P.O.Barkul, District-Puri.

15. Pitabash Swain, casual Mazdoor,
Office of the B.D.O.Phones, At/P.O.
Bhubaneswar, District-Puri.

16. Chhaila Mani Behera, Casual Mazdoor,
Office of the Asst. Engineer, Microwave Station,
At/P.O.Bhubaneswar, Dist-Puri.

17. Basanta Kr.Sethy, Casual Mazdoor,
Office of the S.D.O..Phones,At/P.O.Bhubaneswar,
District-Puri.

18. Durga Charan Barik, Casual Mazdoor,
Office of the Asst.Engineer, Trunks,
At/P.O.Bhubaneswar, Dist-Puri.

19. Ramesh Ch.Bhoi, Casual Mazdoor,
Office of the S.D.O.Phones,
At/P.O.Bhubaneswar, Dist-Puri.

20. Bidhubhusan Jalley, Casual Mazdoor,
Office of the S.D.O. Telegraphs,
At/P.O.Jatni, District.Puri.

21. Sailesh Ch.Banara, Casual Mazdoor,
Office of the S.D.O.Phones,At/P.O.
Bhubaneswar, District-Puri.

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Respondents.

For the applicants ...

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

For the respondents ... Mr.A.B.Mishra,Sr.Standing Counsel
(Central)

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.

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)

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 applicants 15 in number pray to quash the list dated 2.6.1988 contained in Annexure-4 and to further issue directions to Respondents 1 to 4 directing them that the applicants should be considered while the posts/vacancies in respect of Indoor Wing are filled up.

2. Shortly stated, the case of the 15 applicants is that each of them has been serving in the Telecommunications

Department as Casual Mazdoor for a long period. Vide Annexure-4 certain persons have been selected for regular appointment and the names of the applicants not having found place in the said list, the applicants have come up before this Bench with the aforesaid prayer.

3. In their counter, the respondents maintained that the case of the present applicants not having come within the purview of selection as laid down in the guidelines set forth by the higher authorities, the case of the applicants for consideration has not ripen and as such, their cases were not rightly considered for selection and therefore, Annexure-4 should not be quashed.

4. We have heard Mr. Deepak Misra, learned counsel for the applicants and Mr. A. B. Mishra, learned Senior Standing Counsel (Central) at some length. Mr. Deepak Misra pressed before us that the applicants having worked as Casual Mazdoors since 1979/1983/1984 and 1985 their cases should have been considered for selection to regular posts. Learned Senior Standing Counsel (Central) relying on the averments made in the counter and additional counter submitted that authorities have certain restraints imposed on them by the higher authorities as in Annexure R 6 it is stated that only those casual labourers/part-time casual labourers who have rendered 7 years service as on 31.3.87 i.e. who have been serving this department since or prior to 1.4.1980 are to be regularised against these posts. It was further submitted by learned Senior Standing Counsel (Central) that in pursuance to the judgment delivered by the Hon'ble

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Supreme Court, 14117 posts of regular mazdoors (Group D) have been created on all India basis for absorption of casual mazdoors against such regular vacancies and the cases of the deserving candidates have been considered and accordingly, Annexure-4 has been issued. After giving our anxious consideration to the arguments advanced at the Bar we would direct that a seniority list of all the casual mazdoors be prepared (if not already prepared) and keeping in view the guidelines issued by the higher authorities from time to time, the selection should be made on the basis of seniority and suitability. In case, the applicants do not come within the consideration zone, keeping in view their seniority position and the guidelines set forth from time to time, the applicants should continue as casual Mazdoors and as and when vacancy arises they should be absorbed against regular vacancies subject to their suitability. Ofcourse, retention of any casual mazdoors depends upon the administrative need.

5. Thus, this application is accordingly disposed of leaving the parties to bear their own costs. The stay order passed by this Bench stands automatically vacated.

..... 19.1.89.
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Member (Judicial)

B.R.PATEL, VICE-CHAIRMAN,

I agree.

..... 19.1.89.
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Vice-Chairman

Central Admn. Tribunal,
Cuttack Bench: Cuttack.
January 19, 1989/Sarangi.

