

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

Original Application No.313 of 1988.

Date of decision : February 7, 1989.

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, District-Puri at present village- Behudiha, P.O. Jhadalinga, Dist-Puri.

... **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, District-Puri.

### ... Respondents.

For the applicant ... M/s. R. N. Naik,  
Deepak Misra, Advocates.

For the respondents ... Mr. Ganeswar Rath,  
Additional Standing Counsel  
(Central)

## GORAM:

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 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.

JUDGMENTb  
IV

K. P. ACHARYA, MEMBER (J) In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays to direct the respondents namely the Accountant General (A & E) Orissa and Senior Deputy Accountant General (Admn.) to give work to the applicant and to absorb him against regular vacancy.

2. Shortly stated, the case of the applicant is that he is a contingent labourer working under the Accountant General, (A & E), Orissa since 1981 and as no work was given to him and as his case was not considered for permanently absorbing him against regular post he has come up with this application with the aforesaid prayer.

3. In their counter, the respondents maintained that whenever there is work to be provided to the contingent labourers, the concerned authority would certainly give work to the contingent labourers including the applicant if the applicant and other contingent labourers are available in the Office.

4. We have heard Mr. Deepak Misra, learned counsel for the applicant and Mr. Ganeswar Rath, learned Additional Standing Counsel (Central) at some length. Earlier the applicant had come up with similar prayer in another application under section 19 of the Administrative Tribunals Act, 1985 which formed subject matter of Original Application No. 40k of 1987. This case was disposed of on 5th April, 1988. In the judgment passed in the said case we observed as follows :

" 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 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. "

5. Learned Additional Standing Counsel (Central) still stands by the averments made in the counter and submitted before us that whenever vacancy arises for being absorbed against regular post, the case of the applicant will certainly be considered and after adjudication of his suitability, orders according to Rules will be passed by the competent authority and for the present whenever the applicant is available in the Office on the date on which there is work to be entrusted, the applicant will certainly be given some work. Such being the submission made on behalf of the Accountant General we feel that there is nothing further for us to say.

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

*Agreed*  
7-2-89  
.....  
Member (Judicial)

B.R.PATEL, VICE-CHAIRMAN,

*I agree.*

*Arshad*  
7-2-89  
.....  
Vice-Chairman

Central Administrative Tribunal,  
Cuttack Bench, Cuttack.  
February 7, 1989/ S. Sarangi.

