

(97) HV
CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

Original Application No.274 of 1989.

Date of decision: January 16,1990.

Smt.Pani Budhi Bhei,w/o late Sribatschha Bhei,
At.Sikidhi, P.O.Kantapali, Via-Remede,
District-Sambalpur.

... Applicant.

Versus

1. Union of India, through Secretary,
Ministry of Water Resources,
Shrama Shakti Bhawan, New Delhi.
2. Chairman, Central Water Commission,
Sewa Bhawan, R.K.Puram, New Delhi-110066.
3. Superintending Engineer,
Gadavari-Mahanadi Circle,
Central Water Commission,
H.O. No.5-2-201/B & B-1,
Chiragali Lane, Hyderabad-1.
4. Executive Engineer,
Central Water Commission,
B.S.Division,Plot No.13 & 14,
Vani Vihar, Bhubaneswar.

... Respondents.

For the applicant ... M/s. R.K.Nayak,
G.B.Jena,Advocates.

For the respondents ... Mr.TahaliDalai,
Addl. Standing Counsel(Central).

C O R A M:

THE HON'BLE MR.P.S.HABEEB MOHD.,MEMBER (ADMN.)

A N D

THE HON'BLE MR.N.SENGUPTA, 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.
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J U D G M E N T

N.SENGUPTA, MEMBER (J)

The applicant is the widow of one Sribatschha Bhoi who was appointed as a workcharged Khalasi under the Central Water Commission in the Office of the B.S. Division, Vani Vihar. The husband of the applicant belonged to ^a Scheduled Tribes. In the general gradation list of the workcharged Khalasis the position of the husband of the applicant was 150th and amongst the Scheduled Castes/ Scheduled Tribes employees his position was 5th in order of seniority. While working as the workcharged Khalasi the husband of the applicant died on 17.8.1983. In September, 1981, a circular letter bearing No.2/10/78-Estt.XII was issued and 141 posts were made permanent. Out of those 141 permanent posts at least 9 were to fall to the share of Scheduled Tribes employees to which the husband of the applicant belonged. Even though the circular was issued in 1981, the Department took no steps to confirm the husband of the applicant against one of the 9 available posts. After the death of her husband the applicant made representations which were ultimately rejected on 1.7.1988. Subsequent to that the applicant made another representation to the Respondent No.3 which he forwarded to the Chief Engineer cum Director, Grievances, Central Water Commission, Respondent No.2. That was on 21.4.1989. As the first representation was rejected in July, 1988 and as she received no communication on the representation forwarded to the Director of Grievances, she filed this case with a prayer for a direction to declare that her husband, Sribatschha Bhoi should be deemed to have been made permanent with effect from the date of issue of the

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circular letter dated 5.9.1981.

2. The respondents in their counter have averred that in accordance with the circular letter dated 5.9.1981, Sribatschha Bhoi, the husband of the applicant was declared permanent by an order dated 26.12.1989 and that order has been made Annexure-R1 to the Counter.

3. We have heard learned counsel for the applicant and Mr. Tahali Dalai, learned Addl. Standing Counsel (Central). Now that the husband of the applicant has been declared to have been made permanent, with effect from 5.9.1981 and that being the only relief that the applicant has asked for, nothing more remains to be granted to her. Though learned counsel for the applicant had urged that a direction for giving consequential benefits on such declaration may be given, which we in the frame of the application as it is, are unable to grant. If really the respondents do not give any admissible benefits flowing from such declaration of permanence of late Sribatschha Bhoi, the applicant may have a cause for taking appropriate action.

4. The application has already become infructuous in view of Annexure-R1 and is disposed of accordingly but without costs.

16/1/1990
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Member (Administrative)



16.1.90
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Member (Judicial)