

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 369 of 1989.

Date of decision : November 20, 1991.

Ganapati Nayak ...

Applicant.

Versus

Union of India and others ...

Respondents.

For the applicant ...

M/s. Devanand Misra,
Deepak Misra,
R. N. Naik, A. Deo,
B. S. Tripathy,
U. S. Agrawal, Advocates.

For the respondents . . .

Mr. Aswini Kumar Misra,
Senior Standing Counsel (CAT)

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C O R A M:

THE HONOURABLE MR. K. P. ACHARYA, VICE-CHAIRMAN

A N D

THE HONOURABLE MR. J. C. BOY, MEMBER (ADMINISTRATIVE)

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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.

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J U D G M E N T

K. P. ACHARYA, V.C., In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays for a direction to be issued to the respondents to absorb the applicant in any Extra-Departmental posts within a stipulated time.

2. Shortly stated, the case of the applicant is that he had worked on daily wage basis as substitute in various categories under the Senior Postmaster, Berhampur (Ganjam). According to the applicant, since he is working as a substitute in the Department since 1981, his services should be regularised. Hence this application has been filed with the aforesaid prayer.

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3. In their counter, the respondents maintained that from 1st August, 1983 the applicant had worked on different spells for a period of 7-15 days and for still lesser period has worked as substitute in the place of some E.D. agents while going on leave. It is further maintained by the respondents that the applicant has never worked continuously for 8 years. The certificate granted by the Senior Postmaster, Berhampur is not correct and no reliance should be placed on the said certificate.

4. We have heard learned counsel for the applicant and Mr. Aswini Kumar Misra, learned Senior Standing Counsel (CAT) for the respondents. Besides the certificate, Annexure-1, there is absolutely no iota of evidence to contradict the statement made by the respondents in their counter. Therefore, in no circumstances we could hold that the applicant has been in service continuously for 8 years. That apart we have our grave doubts whether a substitute could be regularised. In the circumstances stated above, we find no merit in this application which stands dismissed leaving the parties to bear their own costs.

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20.11.91
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MEMBER (ADMINISTRATIVE)

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20.11.91
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VICE-CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
November 20, 1991/Sarangi

