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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

O.A. NO. 391 OF 1989.

Date of decision - 31st October, 1989.

1. Saroj Kumar Khatei
2. Bipin Bihari Panei
3. Bhikari Charan Nayak
4. Rabindra Nath Samal
5. Manguli Gajendra
6. Bhabagrahi Sethy
7. Janardan Boghal Babu
8. Abhimanyu Rana
9. Arjun Sahoo
10. Surendra Bhoi
11. Kirtan Bihari Jena
12. Kartik Moharana
13. Bibhuti Bhusan Thumb
14. Banabihari Singh
15. Dambarudhar Sethy
16. Binod Chandra Jena
17. Lochan Pradhan
18. Ashok Kumar Mishra
19. Ganeswar Jethi
20. Chittaranjan Chakra
21. Gadadhar Das
22. Rabindra Nath Nayak
23. Bimal Kanta Mohanty
24. Liyakit Ali Khan

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25. N.K. Mohanty
26. Avaya Kumar Das
27. Lambodhar Pradhan
28. Kalandi Charan Sahoo
29. B.S. Ganguli
30. Nirod Kumar Behera
31. Dambarudhar Biswal
32. Kedar Barik
33. Manoranjan Chakra
34. Bhagaban Rout
35. Niranjana Sahoo
36. Damodar Mohanty
37. G.N.Mallik
38. Rajendra Mahallik
39. Janmajay Jena
40. Pramod Kumar Naik
41. Sushil Kumar Mohakud
42. T. Subba Rao
43. Purna Ch. Naik
44. Karunakar Jena
45. Sarat Kumar Patra
46. Chintamani Routray
47. Sanatan Majee
48. S. Mohapatra
49. Aditya Kumar Mohapatra
50. Siba Prasad Rout
51. Jaya Krushna Khatua
52. Hari Narayan Das
53. Upendra Nath Mandal
54. Rama Chandra Biswal

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55. Bhagirathi Dash
56. Muralidhar Soren
57. Daitari Behera,
58. Ashok Kumar Behera
59. B.N. Padhihari
60. Ramanath Nayak
61. Prahallad Kumar Ghosh
62. Pulin Bihari Pradhan
63. Amarendra Nath Naik
64. B.K. Dutta
65. Nabaghan Behera
66. H.H. Behera
67. Puloke Som
68. S.K. Mohanty

Sl. Nos.1 to 68 are working as
Seasonal Khalasis, Bhramani -Subarnarekha
Division, Central Water Commission,
Government of India, At/P.O. Bhubaneswar,
District-Puri.

69. G.K. Banichhor
70. Sudarsan Panda
71. B.N. Sahoo
72. Naroatham Pentha
73. Nanharam Sahu
74. B.R. Bareith,
75. Mohanlal Yadav.
76. M.L.Chouhan
77. Alekha Behera
78. Hazari Mallick
79. K.N. Hota

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80. S.C. Mallick
81. Jaganāsan Sahoo
82. S.K.Mohapatra
83. Banamali Bag
84. D.B. Panigrahi
85. P.C. Sahoo
86. Sandheswar Meher,
87. Dibakar Geja
88. Ramkrishna Mehera
89. A.K. Meher
90. Dayanidhi Meher
91. D.C. Mohapatra
92. Tikaram Harijan
93. B.K. Seth
94. V. Gopalkrishnan
95. Nathu Munda
96. Prabhakar Banduki
97. Mitu Pera
98. Binayak Panda
99. Dasarathi Seth
100. Manoj Kumar Sahoo
101. Kamal Majhi
102. Jatindra Kumar Mohanta
103. Jainendra Prasad Suna
104. Biswamitra Suna
105. Debarchan Mahaling
106. K.N. Behera
107. Negi Ram
108. Ghanashyam Sao

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- 109. Asheswar Sao
- 110. Krishna Deo Ram
- 111. Mahendra Nath
- 112. Rina Choudhury
- 113. Ramlal Sen
- 114. Mansaram Sahu
- 115. B.L. Bisad
- 116. S.D.Manikpuri
- 117. C.P.Verma
- 118. R.S.Rupta
- 119. C.D. Debre
- 120. B. Suryavansi
- 121. M.L. Thakur
- 122. P.C.Kashyap
- 123. P.K. Kewat
- 124. Satrugan Parkar
- 125. C.L.Gajpal
- 126. Punnalal Patel
- 127. D.R. Yadav
- 128. L.R. Yadav
- 129. Pilalal Sahu
- 130. R.C.Kewat
- 131. M.L.Dhimar
- 132. G.L.Vastrakar
- 133. S.P.Dwari
- 134. Bharat Das
- 135. Budeo
- 136. Karan Singh Gand
- 137. Himana Suna

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- 138. R.K.Tamboli,
- 139. Puniram Kewat
- 140. A.K. Dubey
- 141. D.P. Sahu
- 142. Salik Ram
- 143. Purushottam Das
- 144. Prem Singh
- 145. Baliram Momiya
- 146. Lainu Ram Kewat
- 147. B.P.Rathore
- 148. Sahas Ram
- 149. A.R. Mali
- 150. S.C. Dewangam
- 151. N.K.Somawar
- 152. Atmaram Kummi
- 153. S.B. Goswamy
- 154. L.L. Tondon

Sl. Nos.69 to 154 are working as Seasonal Khalasis in Mahanadi Division, Central Water Commission, Burla, Dist- Sambalpur.

.... Applicants

Versus.

- 1. Union of India, represented by Secretary, Ministry of Irrigation, Shram Shakti Bhawan, Rafi Margh, New Delhi-110 001.
- 2. Central Water Commission, represented through the Chairman, Seva Bhawan, R.K.Puram, New Delhi-110 066.

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3. Superintending Engineer,
Office of the Central Water Commission,
Plot No.A 13/14, Bhubaneswar-4,
District-Puri.

4. Executive Engineer,
Central Water Commission,
B.S. Division, At/P.O.Bhubaneswar,
Government of India, District-Puri.

5. Executive Engineer,
Central Water Commission,
Government of India,
Mahanadi Division,
At/P.O. Burla, Dist-Sambalpur.

..... Respondents

For Applicants: M/s C.V.Murty, C.M.K.Murty
and S.K. Rath

For Respondents Mr. P.N.Mohapatra,
Addl.Standing Counsel(Central).

C O R A M :

THE HONOURABLE MR. B.R. PATEL, VICE-CHAIRMAN

A N D

THE HONOURABLE MR. N. SEN GUPTA, MEMBER (JUDICIAL)

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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 fair copy of the judgment ? Yes.



J U D G M E N T.

.R. PATEL, VICE-CHAIRMAN, . . . The applicants are Seasonal Khalasis appointed vide orders dated 23.5.89, 7.6.89, and 6.6.89 (Annexures- 4 to 8) on the terms and conditions mentioned therein. Their grievance is that the respondent No.2 has terminated their services vide his order dated 13.9.89 (Annexures- 9 and 10) and dated 16.9.89 (Annexure-11) before the expiry of the dates mentioned in Annexures- 4 to 8.

2. The respondents in their counter have maintained that as there was no work, the services of the applicants were terminated and this is sanctioned by the rules and the orders passed by the Department should not be interfered with.

3. We have heard Mr. C.V.Murty, learned counsel for the applicants and Mr. P.N. Mohapatra, learned counsel for the respondents. Mr. Murty has submitted that since it was specifically mentioned that the applicants will be in service for a fixed period and there is work for them as would be evident from Annexure-13 where alternative arrangements for engaging the local labourers were made, the order of premature termination of services of the applicants was unwarranted. Mr. Mohapatra on the other hand has submitted that the fact which should be taken into account is availability of work and the public interest

involved. After having heard the learned counsel for both sides, we have come to the conclusion that since there is no specific mention in the appointment orders that the services of the applicants should be terminated before the dates mentioned in Annexures-4 to 8 and there is still work available for them ^{for which} ~~till~~ alternative arrangements are made, the termination of services of the applicants is not justified and as such the orders in Annexures-9, 10 and 11 are hereby quashed. The applicants should be allowed to complete the full term of their appointments as per the office orders in Annexures-4 to 8 unless there is absolutely no work for them. Moreover, the term of appointments in respect of some of the applicants will expire on 31.10.89 i.e. today and in respect of others on 15th November, 1989. It is a question of a fortnight more and we hope no particular purpose will be served by terminating their services now. ^{therefore} ~~so~~ they should be allowed to continue till the completion of the period mentioned in the orders of their appointments.

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



I agree.

[Signature]

 VICE- CHAIRMAN.

N. SEN GUPTA, MEMBER (JUDICIAL).

[Signature]
 31.10.89
 MEMBER (JUDICIAL)