

7

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO: 422 OF 1989

Date of decision : April 21, 1992.

Nakula Charan Mohanty and others .. Petitioners

-Versus-

Union of India and others .. Opp. Parties.

For the applicant : M/s. J. Patnaik, H. M. Dhal, Advocates.

For the respondents : Mr. A. B. Misra, Senior Counsel.

....

CORAM:

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

AND

THE HONOURABLE MR. C. S. PANDEY, MEMBER (ADMINISTRATIVE)

....

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.

8
11/2//

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 Petitioners pray to quash the order contained in Annexure-6 and to direct the Opposite Parties to reinstate the Petitioners in their former post on regular basis.

2. Shortly stated, the case of the Petitioners (10 in number) is that they were initially appointed as Junior Scientific Assistant in the establishment of Respondent No.3 being Ex-servicemen. Their services have been terminated with effect from 20th September, 1989, as contained in Annexure-6 dated September 13, 1989. Hence this application has been filed with the aforesaid prayer.

3. We have heard Mr. H.M. Dhal learned counsel appearing for the Petitioners and Mr. A.B. Mishra learned Senior counsel appearing for the Opposite Parties.

4. In the counter, it is stated that except Petitioner Nos. 6, 8 and 9, all other petitioners (7 in number) have been appointed on regular basis to such post as and when vacancy occurred and it further submitted in their counter that Petitioner Nos. 6, 8 and 9 could not be regularly appointed as there was no vacant post.

5. Mr. A.B. Misra learned Senior Counsel submitted that since there is no vacant post for appointing the Petitioner Nos. 6, 8 and 9 the application deserves no merit and is liable to be dismissed.

Kn

9
1/3/11

6. Since there is no vacancy at present cannot give organisation headed by Opposite Party. The Petitioner Nos. 6, 8 any positive direction for as and when vacancy occurs and 9 but we would 9, 8 and 9 should be given preference for Petitioner. Appointment to such post on regular basis. and we hope and trust the appointment would be according to rules.

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

K. Mohanty
MEMBER (ADMINISTRATIVE)
21.4.1992

K. Mohanty
21-4-92
VICE CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench/K. Mohanty/21.4.92.

