

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 443 of 1989.

Date of decision : 18.6.1993

Dinabandhu Barik ...

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, Advocates.

For the respondents ...

M/s. A.B.Misra,
A.K.Swain, Advocates.

C O R A M :

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

A N D

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

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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 ?
 3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

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JUDGMENT

K.P. ACHARYA, V.C., In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays for a direction to the respondents to absorb the applicant in the post of Fireman Grade II as he was selected for the same and to pass appropriate orders directing the respondents to allow the applicant to work in the post in which he was continuing till he is absorbed in the regular post of Fireman Grade.II.

2. Shortly stated, the case of the applicant is that the applicant had appeared in an interview on 14.7.1986 and the applicant turned out successful for appointment to the post of Fireman Grade II. The order of appointment was issued on 22.7.1988 vide Annexure-2. Vide order dated 29.9.1988 the applicant was appointed as Helper contained in Annexure.3. The applicant was working on casual basis. Vide order dated 13.9.1989 the services of the applicant were terminated with effect from 20.9.1989. Hence, this application with the aforesaid prayer.

3. In their counter, the respondents maintained that the case is devoid of merit and is liable to be dismissed because the applicant was appointed on casual basis. The operational requirement of range readiness for the 'Agni' Launch necessitated immediate employment of casual Helpers for the

pre and post launch activities. In order to avoid the procedural delay, to obtain the names from the Employment Exchange once again for casual employment it was considered prudent that from the standby list who had been considered and found suitable for the post of Fireman Grade II could be offered casual employment. Accordingly the applicant was given the said offer and after Agni launch there is no necessity for pre and post launch activities necessitating the Department to engage casual labourers and hence the services of the applicant were rightly terminated.

4. We have heard Mr. Deepak Misra, learned counsel for the applicant and Mr. A. B. Misra, learned Senior Counsel for the respondents. Before we deal with the contentions of the respective parties, it is worthwhile to mention that Mr. Deepak Misra did not press the prayer to direct the respondents to absorb the applicant in the post of Fireman Grade II. Hence the case was confined to prayer Nos. (b) & (d) namely, to direct the respondents to allow the applicant to work in his post in which he was working previously till he is absorbed on regular basis in the post of Fireman, Grade II and to pass appropriate orders quashing Annexure-4 to the extent it pertains to the applicant. Mr. Deepak Misra, not having pressed the prayer No. (a) i.e. for absorption of the application in the post of Fireman, Grade II, it is far beyond our comprehension

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as to how this Bench could issue appropriate direction to allow the applicant to work in the post of Fireman Grade II. Be that as it may, from the counter it is found that the Agni launch activities have ceased to operate and therefore, there is no necessity for casual employment in this regard. The Courts cannot direct the Government to create posts for employment ^{by} ~~in~~ a particular situation. Casual employees will be taken as and when work demands. Therefore, we find no merit in this application which stands dismissed leaving the parties to bear their own costs.

Chowdhury
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MEMBER (ADMINISTRATIVE)

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VICE-CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench, Cuttack,

18.6.93 /Sarangi.



18/6/93