

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK**

Original Application No. 243 of 1990

Date of Decision: 13.12.1993

Abhiram Patra Applicant

Versus

Union of India & Others Respondents

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? *AV*
2. Whether it be circulated to all the Benches of *ND* the Central Administrative Tribunals or not ?

MEMBER (ADMINISTRATIVE)
13 DEC 93

VICE-CHAIRMAN

Ken 13/12/03

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Versus

Union of India & Others Respondents

For the applicant

M/s. Devanand Mishra
Deepak Mishra
R.N.Naik
B.S.Tripathy
P.Panda,
Advocates

For the respondents

Mr. A. K. Mishra,
Standing Counsel
(Central)

C O R A M:

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

AND

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN)

JUDGMENT

MR.K.P.ACHARYA, VICE-CHAIRMAN: In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner prays for a direction to OP No.2 to include the name of the petitioner in the list as per Annexure-4 and to absorb him under the re-employment/^{for absorbtion} scheme of ex-employees.

2. Shortly stated the case of the petitioner is that he was working as Insect Collector in Plasmodium Falciparum Containment Programme (for short P.F.C.P.) under the World Health Organisation. This organisation was brought up by the State Government, and, though the petitioner worked for some time, he has been dis-engaged

from service. Hence this application has been filed with the aforesaid prayer.

3. In their counter the opposite parties maintain that this scheme was in force particularly for a period of five years, and after that it has been wound up on 30.6.1989. Automatically, the people working in the organisation have ~~seized~~ ^{ceased} to operate. The petitioner is one of them. No illegality has been committed by the competent authority, and therefore, on merits the application is liable to be dismissed. In addition to the above, it is maintained by the opposite parties that this Bench has no jurisdiction to entertain this application as it does not come within the purview of Section 14 of the Administrative Tribunals Act, 1985.

4. We have heard Mr. B.S. Tripathy, learned counsel for the petitioner and Mr. ~~Avinash~~ ^{Ashok} Kumar Mishra, ^{Sr.} learned Standing Counsel. 15/6/1991

5. So far as merits of the application is concerned, we think there is substantial force in the contention of Mr. A.K. Mishra that after the scheme came to an end and the organisation having wound up, naturally the employees in the organisation have been disengaged; and accordingly, the petitioner was disengaged from services. In such circumstances, we find no illegality to have been committed by the competent authority in disengaging the present petitioner from service. Mr. Tripathy invited our attention to Annexure-4 and contended that juniors of the petitioner

having been taken into service by way of re-employment, the same advantage should have been given to the petitioner. Once the organisation has been wound up, or dis-banded, discretion lies with the competent authority to absorb certain incumbents in some other posts. We cannot interfere with the discretion of the competent authority, especially, when, we find that this Bench has no jurisdiction to entertain this application, because it does not come within the purview or ambit of Section 14 of the Administrative Tribunals Act, 1985.

6. In view of the aforesaid facts and circumstances, we find no merit in this application which stands dismissed leaving the parties to bear their own costs.

1. S. J. S. S.
MEMBER (ADMINISTRATIVE)
13 DEC 93

Mr.

13/12/93
VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench Cuttack
dated the 13.12.1993/B.K. Sahoo