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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 403 of 1990

Date of decision: August 12, 1993

Shri Gangadhar Behera ... Applicant

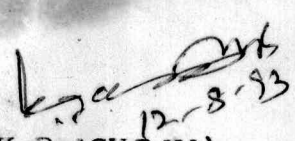
Versus

Union of India & others ... Respondents

(For instructions)

1. Whether it be referred to the reporters or not? /v
2. Whether it be circulated to the All Benches of the Central Administrative Tribunals or not? /v


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)


(K.P. ACHARYA)
VICE CHAIRMAN

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(10)

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ORIGINAL APPLICATION NO: 403 OF 1990

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Shri Gangadhar Behera ... Applicant

Versus

Union of India & Others ... Respondents

For the Applicant ... M/s Deepak Misra,
R.N. Naik, A. Deo,
B.S. Tripathy,
P. Panda, Advocates.

For the Respondents ... Mr. L. Mohapatra,
Standing Counsel (Rly.)

C O R A M:

THE HONOURABLE MR. K.P. ACHARYA, VICE CHAIRMAN
A N D

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

J U D G M E N T

P. ACHARYA, V.C.

In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioner prays for a direction to the Opposite parties to regularise the services of the petitioner in the Revenue Cadre at Mancheswar and to direct the Opposite Parties not to revert the petitioner from the post which he is now holding.

Vr.

2. Shortly stated the case of the petitioner is that the petitioner was originally appointed as a Khalasi under the South Eastern Railway in a construction project. The said project having been ^{wound} ~~wind~~ up, the petitioner was brought to the Revenue Cadre of the Mancheswar Carriage Workshop as an electrical chargeman Gr 'B' on provisional basis. Later he has been promoted on officiating basis to Gr 'A'. Petitioner prays for regularisation of his services in both the cadres as Electrical Chargeman.

3. In their counter, the opposite parties maintained that the case being devoid of merit is liable to be dismissed.

4. We have heard Mr. Deepak Misra learned counsel appearing for the petitioner and Mr. L. Mohapatra learned Standing Counsel for the Railway Administration. Mr. Mohapatra filed a xerox copy of the office order containing Memo No. 2404 dated 8th July, 1993 which indicates that the services of the petitioner has been provisionally regularised in the post of electrical 'B' with effect from 1st April, 1992. Hence this part of the prayer of the petitioner has ^{become} ~~come~~ infructuous.

So far as regularisation of the services of the petitioner in Gr A is concerned we find there is substantial force in the contention of Mr. L. Mohapatra that a seniority list, if not prepared in the Revenue Cadre, will be drawn up

and according to the seniority of the petitioner as and when vacancy arises the case of the petitioner will be considered for regularisation. We think this ^{submission} ~~prayer~~ of Mr. Mohapatra should be carried into effect by the Opposite Parties.

So far as the ~~prayer~~ of the petitioner for issuing of a restraint order not to reverse the petitioner is concerned, no documents has been filed before us to indicate that any steps have been taken for reversion of the petitioner. Mr. Mohapatra submitted that he has received instructions that the petitioner is still continuing in Gr 'A' post. In absence of any such order there is absolutely no ground for the petitioner to be apprehensive of his reversion. Therefore, we do ^{feel} not ~~inclined~~ to allow this part of the ~~prayer~~ of the petitioner.

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

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MEMBER (ADMINISTRATIVE)
12 AUG 93

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VICE-CHAIRMAN
12.8.93

Central Administrative Tribunal,
Cuttack Bench, Cuttack/K. Mohanty
12th August, 1993.