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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O.A.No.165 of 1991

Date of decision : 18.5.1993

N.B.Patnaik

Applicant

Versus

Union of India and others

Respondents

For the Applicant ... Mr. G.A.R.Dora, Advocate

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

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CORAM:

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

&

THE HONOURABLE MR.S.R.ADIGE, 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? No.
3. Whether Their Lordships wish to see the fair copy of the judgment? Yes.

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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 petitioner prays for a direction to the Opposite Parties to regularise the services of the petitioner in the post of Junior Clerk with effect from 24-7-1982.

2. Shortly stated the case of the petitioner is that he is a graduate. and joined as Casual Gangman on 28-7-1964 and was regularised in Class IV service as a Khalasi with effect from 24-10-1979. The petitioner was promoted as Junior Clerk on ad-hoc basis and the petitioner ~~is~~ functioning as such. The petitioner was called upon to take written test held on 25th September, 1983. The petitioner passed the written test and was called to the viva-voce test held on 3rd February, 1984. Due to his long offidation the petitioner prays for regularisation of his services as Junior Clerk.

3. In their counter, the Opposite Parties maintained that ~~though the petitioner~~ qualified in the written test but did not qualify in the viva voce test as a result of which the name of the petitioner could not find place in the panel for consideration in the departmental selection. However, the petitioner again appeared in the selection on 18.4.91 and results of the examination are yet to be declared and without

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awaiting ~~for~~ results, the applicant has filed this application.

4. We have heard Mr. G.A.R. Dora learned counsel appearing for the petitioner and Mr. L. Mohapatra learned Additional Standing Counsel (Railway) for the Opposite Parties. Before we deal with the merits of this case, it may be stated that on 27th May, 1991 when the case was admitted for hearing, it was ordered that status quo be maintained as on date. Therefore, result has not been published. Since the petitioner did not turn out successful in the viva voce test succeeding the written test, he was again asked to appear at a selection held on 18th April, 1991. The result of the written examination ~~has not~~ yet been published. Therefore, it is directed that the result of the written examination be published and the authority may act according to the result of the examination. because regularisation cannot be made without passing the written examination and viva voce test if any. For the present, we find no merit in this application which stands dismissed. No costs.

K. Mohanty
Member (Administrative)

K. Mohanty
18/5/93.
Vice-Chairman



Central Administrative Tribunal,
Cuttack Bench, Cuttack/K. Mohanty/
18.5.1993.