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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK

Original Application No. 410 of 1991

Date of Decision: 17.11.1993

Tejraj Chhatria & Others Applicant(s)

Versus

Union of India & Others Respondent(s)

(FOR INSTRUCTIONS)

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



----- *Signature* -----
MEMBER (ADMINISTRATIVE)

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VICE-CHAIRMAN

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Respondents

For the applicants

M/s.R.B.Mohapatra
N.J.Singh
D.N.Rath,
Advocates

For the respondents

Mr.Ashok Mishra
Sr.Standing Counsel
(Central)

C O R A M S:

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, there are 7 petitioners. They were initially appointed as casual employees in the Central Cattle Breeding Farm at Chiplima. In course of time they were appointed on adhoc basis against regular vacancies, but subsequently vide Annexure 5 dated 2.11.1991, services of the petitioners were terminated because of certain irregularities in regard to their initial appointments. Hence this application has been filed with the aforesaid prayer.

2. In their counter the opposite parties maintain that the order of termination (contained in Annexure-5) was rightly passed, because there was a ban order for



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fresh appointments in respect of any post and clearance was not obtained from the Ministry to fill up those posts; and therefore services of the petitioner were terminated which should not be unsettled - rather it should be sustained. The case being devoid of merit is liable to be dismissed.

3. We have heard Mr.R.B.Mohapatra, learned counsel for the petitioners and Mr.Ashok Mishra, learned Standing Counsel. Vide order dated 8.11.1991, operation of the order contained in Annexure-5 was stayed and the petitioners are continuing as such. But while giving our anxious consideration to the argument advanced at the Bar, we are of opinion that an administrative error can be corrected at any point of time. Therefore, the order passed by the concerned Ministry not having been followed and appointments having been made without clearance from the concerned Ministry, such actions can be nothing but illegal. Therefore, we do not feel inclined to quash Annexure-5. The stay order stands vacated.



4. Finally, we would direct that the petitioners may continue as casual workers and work be given to them. As per the judgment pronounced by the Supreme Court, a seniority list of the casual employees be prepared (if not already prepared) and as and when vacancy arises in future appointment be given to the casual employees according to their respective seniority.

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5. We were told that the ban order has since been lifted. We do not know the correct position. If the same is actually lifted, the concerned authority may proceed according to law. Thus the application is accordingly disposed of. No costs.

B.K. Sahoo
MEMBER (ADMINISTRATIVE)

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17-XI-93
VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench Cuttack
dated the 17.11.1993/B.K. Sahoo

