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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO.34 OF 1991
Cuttack, this the 28th April, 1995

M.Sadasiva

....

Applicant.

Vrs.

Union of India and others....


Respondents.

(FOR INSTRUCTIONS)

1. whether it be referred to the reporters or not? *no*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? *no*


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

28 APR 95


(D.P. HIREMATH)
VICE - CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH : CUTTACK.

ORIGINAL APPLICATION NO.34/91
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CORAM:

THE HONOURABLE SHRI JUSTICE D.P.HIREMATH, VICE-CHAIRMAN
AND
THE HONOURABLE SHRI H.RAJENDRA PRASAD, MEMBER (ADMN.)

M.Sadasiva, son of late
M.Ramaswamy,
working as Foreman,
South Eastern Railway,
Bondamunda, resident
of Qr.No.L. 188/2 Loco Colony,
Bondamunda, Dist.Sundargarh APPLICANT

By the Advocate - M/s D.S.Misra &
S.Behera.

-versus-

1. Union of India, represented through
the Secretary, Railway Board,
Railway Bhawan, New Delhi.
2. General Manager, South Eastern Railway,
Garden Reach, Calcutta-43, West Bengal.
3. Chief personnel Officer, South Eastern
Railway, Garden Reach, Calcutta-43, West Bengal.
4. Senior Divisional Electrical Engineer,
South Eastern Railway, Chakradharpur, Bihar,
Dist.Singhbhum RESPONDENTS.

By the Advocate - None.


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ORDER

D.P.HIREMATH, VICE-CHAIRMAN

Heard learned counsel for

the petitioner, Shri D.S.Misra. There is no representation on behalf of the respondents though notice was duly served on them long before. Hence the application is heard in their absence.

2. This is a very simple case in which the petitioner seeks permanent appointment in the existing vacancy of Electrical Foreman to which post he was promoted as far back as on 25.2.1987. His grievance is that though he was officiating on ad hoc basis for nearly four years before filing of this application, he is not made permanent and that the respondents have not chosen to contest and no reasons are assigned as to why he is not made permanent. It is patently clear that there was a vacancy existing when he was promoted and there is no question of that post being abolished or the petitioner not being able to continue in that vacancy. That being so, it is for too long that he continues on ad hoc basis and even till date there is nothing to
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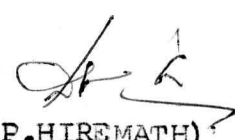
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show that he has been made permanent. For this reason, we direct, allowing this application, that the petitioner shall be made permanent, if he is not made permanent still, in the existing vacancy filled in by him with effect from 25.2.1987 and he shall be given the seniority and all other service benefits as if he was made permanent on 25.2.1987. *This order shall be countersigned within sixty days from the date of receipt of copy of this order.*

3. With this direction, the Original Application is disposed of *allowing it.*


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

28 APR 98


(D. P. HIREMATH)
VICE-CHAIRMAN

A. Nayak, P. S.