

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 466 of 1991

AND

Original Application No. 6 of 1991

Date of decision : 12.2.1993.

In O.A.No.466/91

Sagarananda Das Applicant

Versus

Union of India & Others Respondents

In O.A.No. 6/91

Kelu Charan Nayak Applicant

Versus

Union of India & Others Respondents

In O.A.No.466/91

For the applicant Mr.B.Pujari,
Advocate

For the respondents Mr.Ashok Mishra,
Standing Counsel
(Central Government)

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In O.A.No. 6/91

For the applicant M/s.Devanand Misra,
Deepak Misra,
A.Deo,
B.S.Tripathy,
Advocates

For the respondents Mr.Ashok Mishra,
Standing Counsel
(Central Government)

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C O R A M:

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

AND

THE HONOURABLE MR.S.R.ADIGE, MEMBER (ADMINISTRATIVE)

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1. Whether the reporters of local newspapers may be allowed to see the judgment ? Yes
2. To be referred to reporters or not ? No
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes

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JUDGMENT

MR.K.P.ACHARYA, VICE-CHAIRMAN, Since this case involves common questions of fact and both the petitioners pray for regularisation against the same post of a driver, both these cases were heard one after the other and it is directed that the common judgment would govern both the cases.

2. Petitioner Shri Kelu Charan Nayak in Original Application No. 6 of 1991 was sponsored by the District Employment Exchange Office, Puri and the petitioner was engaged as a driver with effect from 15.5.1989 and worked for 265 days, in the Random Sample Poultry Performance Testing Centre. The services of the petitioner were not regularised and a notice was given to the petitioner that his services will not be required with effect from 16.1.1991. This order dated 15.1.1991 is contained in Annexure-2. Therefore the petitioner in this case prays to quash Annexure-2.

3. In Original Application No. 466 of 1991 the petitioner Shri Sagarananda Das prays for a direction to the Opposite Party No.3 to promote the petitioner to the same post of Driver. The case of the petitioner in O.A. No.466 of 1991 is that he was initially appointed as a Group 'D' employee and since he had a driving license, he was allowed to work in the post of a driver under O.P. No.3 who is Superintendent of Random Sample Poultry Performance Centre, Bhubaneswar.

4. We have heard Mr.Deepak Mishra, learned counsel for the petitioner and Mr.Ashok Mishra, learned Standing Counsel in Original Application No. 6 of 1991. In Original Application No.466 of 1991 there was no appearance on the side of the

petitioner and therefore we have heard Mr. Ashok Mishra, learned Standing Counsel and perused the pleadings of the parties and the relevant documents.

5. On hearing counsel for both sides in both the applications, we are of opinion that in respect of the same post there are rival ~~claims~~ ^{claims}. The post of a driver needs to be filled up on regular basis. Therefore we would ^{that} ~~direct~~ ^{that} cases of both the petitioners in both the petitions along with any other candidates sponsored by the employment exchange may be considered by the appropriate authority and he whoever is found to be suitable may be appointed to the said post. Thus both the applications are accordingly disposed of leaving the parties to bear their own cost.

Anjoli
MEMBER (ADMINISTRATIVE)

B.K. Sahoo
12.3.93
VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench, Cuttack
dated the 11th ADMINISTRATIVE 1993/ B.K.Sahoo

