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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO: 305 OF 1992

DATE OF DECISION: 24th JANUARY, 1994

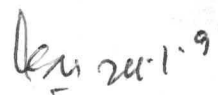
Kamalakanta Nayak	...	Applicant
	Vs.	
Union of India & others	...	Respondents

(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 Tribunals or not? *NO*


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

24 JAN 94


(K.P. ACHARYA)
VICE CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.305 of 1992

Date of decision: January 24, 1994

Kamalakanta Nayak	...	Applicant
	Versus	
Union of India & Others	...	Respondents
For the Applicant	... M/s. R.B. Mohapatra, N.J. Singh, Advocates.	
For the Respondents	... Mr. Ashok Misra, Senior Standing Counsel (Central).	

...

CORAM:

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

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

ORDER

K.P. ACHARYA, V.C.

In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to direct the Opposite Parties for regularisation of the services of the petitioner and to absorb him in INS Chilika declaring him to be senior to Opp. Party Nos. 5 to 7.

2. Shortly stated the case of the petitioner is that he was working in INS Chilika for a certain period on casual basis in the post of Lower Division Clerk. His services were regularised with effect from 1st August, 1992 as it appears from the judgment passed in Original Application No. 405 of 1992 disposed of on 4th September, 1992. Now the petitioner comes up with a prayer as stated above.

[Signature]

3. In their counter, the Opposite Parties maintain that the case being devoid of merit is liable to be dismissed as the services of the petitioner had already been regularised.

4. We have heard Mr. R. B. Mohapatra learned counsel for the petitioner and Mr. Ashok Mishra learned Senior Standing Counsel (Central).

5. Regularisation of the petitioner against a permanent vacancy with effect from 1st August, 1992 was not disputed. Petitioner's grievance is that his services rendered during the period when he was casual labourer should be taken to his credit for the purpose of his seniority. On the other hand Mr. Ashok Misra learned Senior Standing Counsel (Central) submitted that though the petitioner is senior to Opp. Party Nos. 6 and 7 yet ~~appointment~~ of Opp. Party Nos. 6 and 7 took place earlier to the petitioner because they were appointed against posts reserved for the Scheduled Caste and Scheduled Tribe.

6. There was absolutely no vacancy for general candidate and therefore, the petitioner could not be appointed, who had been appointed as soon as there was a vacancy in that category.

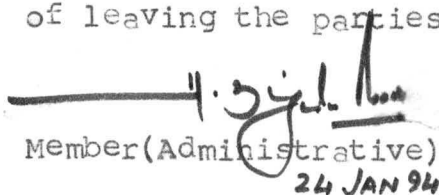
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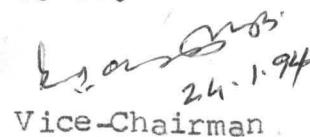
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7. Mr. Mohapatra learned counsel for the petitioner did not like to press the prayer of the petitioner and wanted to withdraw the petition.

We have no objection. The petitioner is permitted to withdraw the application.

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


Member (Administrative)
24 JAN 94


24.1.94
Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench/K. Mohanty/24.1.94.