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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH ; CUTTACK.

ORIGINAL APPLICATION NO. 343 OF 1992

Cuttack this the 24th day of September, 1998.

Pradipta Chandra Prusty. Applicant.

-versus-

Union of India & Others. Respondents.

(FOR INSTRUCTIONS)

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

(SOMNATH SOM)
VICE-CHAIRMAN

24.9.98
(G. NARASIMHAM)
MEMBER (JUDICIAL)

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 343 OF 1992.

Cuttack this the 24th day of September, 1992.

CORAM:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN

AND

THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDICIAL)

....

Pradipta Chandra Prusty, 25 years,
Son of Hrudananda Prusty, a permanent
resident of Minakaguda, Puri presently
serving as Jr. Engineer (Civil),
Electrical in the Department of Tele-
communication.

... Petitioner.

By legal Practitioner : M/s. A. K. Mishra, S. K. Das, S. B. Jena,
Advocates.

-Versus-

1. Union of India represented through
Director General of Posts and
Telegraphs, Dak and Tar Bhawan,
New Delhi.

2. Chief General Manager, Telecommunications,
Orissa Circle, Bhubaneswar.

3. Superintending Engineer, Tele-communication,
Circle (Civil) Bhubaneswar-7.

... Respondents.

By legal practitioner : Mr. P. N. Mohapatra, Additional
Standing Counsel (Central).

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O R D E R

MR. G. NARASIMHAM, MEMBER (JUDICIAL) :-

In this Original Application, under section 19 of the Administrative Tribunals Act, 1985, the applicant, who was appointed as Junior Engineer (Civil) by Respondent No. 3 on a temporary basis by order dated 25.7.91 (Annexure-1) seeks direction to the Respondents to regularise the services of the applicant w.e.f. 25-7-91 with consequential benefits of regular pay.

2. At first he was appointed for a period of not exceeding 39 days in the Office of the Executive Engineer (CIVIL) Telecommunications Division, Sambalpur on daily wage basis at the rate of Rs. 69/- per working day. This process continued after usual and formal breaks. On 2-6-92, another appointment order was issued for a period of not exceeding 39 days under same terms (Annexure-2).

3. Respondents opposed this relief for regularisation on the ground that there is no such rule in his favour. He was engaged ^{as} _{as} a stop-gap arrangement keeping in view the delay in getting the selected candidates from the Department of Telecommunications,

New Delhi, to speed-up time bound work and to avoid compensation to contractors owing to delay. The applicant having accepted the conditions mentioned under Annexure-1 joined the temporary engagement. As there was delay in getting the list of selected candidates from DOT, New Delhi, the applicant and other persons engaged on temporary basis for a period of 89 days basis. The DOT, Delhi had supplied a list of eleven (11) candidates who appeared in the All India Competitive Examination on 22-12-1991 for the year, 1991 in respect of Orissa Telecom Circle (Annexure-R/1), regular appointments to the post of Junior Engineer (Civil/Elect.) were issued to the candidates selected through competitive examination on All India basis conducted by the DOT, New Delhi under the relevant Recruitment Rules, 1989 (Annexure-R/3.). The applicant who had not been selected through regular recruitment, if at all appeared in the recruitment, can not be given this appointment by way of regularisation through back door entry.

4. The point at issue is whether the services of the applicant can be regularised. The facts of this case are similar to the facts of Original Application No. 404 of 1989 disposed of by this Tribunal on 18.12.1989. In O.A No. 404/1989, the applicant who was appointed as works clerk grade-II for 89 days by the Executive Engineer, Telecom (Civil) Division, Bhubaneswar moved this Tribunal, for regularisation. The posts were filled-up through regular appointment and there was no job for him, his temporary appointment was terminated. This Tribunal had held that as the applicant has not been regularly selected, question of regularisation of his service as prayed for does not arise.

5. We ~~are~~ ^{have} therefore, no hesitation to conclude in this case that the applicant can not be regularised in service.

The original Application is dismissed. No costs.

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN

24.9.98

G. Narasimham
(G. NARASIMHAM)
MEMBER (JUDICIAL)