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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 391 OF 1992.

Cuttack, this the 12th day of July, 1999.

Avaya Kumar Das.

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.*

(G. NARASIMHAM)
MEMBER (JUDICIAL)

(SOMNATH SOM)
VICE-CHAIRMAN

12.7.99

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Central Administrative Tribunal
Cuttack Bench : Cuttack.

Original Application No. 391 of 1992
Cuttack, this the 12th day of July, 1999.

CORAM:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN.

And

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

..

Sri Avaya Kumar Das, S/o. Bibakar Das,
Village-Iswarpur, Po. Iswarpur, Dist.
Balasore. ...

Applicant.

By legal Practitioner : M/s. S. K. Samantray, L. Samantray,
J. Mohanty, Advocates.

- Versus -

1. Union of India through the
Chairman, Central Water Commission,
Seva Bhawan, R.K. Puram, New Delhi-66.
2. The Director,
Brahmani Subarnarekha Division,
Central Water Commission, Plot No. A-13/14,
PO. Vani Vihar, Bhubaneswar-4.
3. The Deputy Director,
Central Flood Forecasting Division,
Central Water Commission,
765-Sahidnagar, Bhubaneswar-7.
4. Executive Engineer,
Brahmani Subarnarekha Division,
Central Water Commission,
Plot No. A/13/14, PO. Vani Vihar,
Bhubaneswar-4.
5. The Site-in-charge,
Site No. 132, Muri,
At. Baramuri, Po. Chhotamuri,
New Railway Station,
Dist. Ranchi (Bihar.) ...

Respondents.

By legal Practitioner :- Mr. A. K. Bose, Senior Standing Counsel.

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ORDER

MR. SOMNATH SOM, VICE-CHAIRMAN:

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In this Original Application, under section 19 of the Administrative Tribunals Act, 1985, applicant, who has been working as a Seasonal Khalasi has prayed for a direction to the Respondents to regularise his service as Seasonal Khalasi from the date of his first appointment in 1978 and he should not be terminated till regularisation of his service.

2. We have heard Mr. S.K. Samantray, learned counsel for applicant and Mr. Anup Kumar Bose, learned Senior Standing Counsel (Central) appearing for the Respondents. As we propose to dispose of this Original Application by issuing appropriate direction to the Respondents on the basis of the averments made by the Respondents, themselves, in their counter, it is not necessary to go into the averments made by applicant in his Original Application.

3. According to Respondents themselves, in para-4 of the counter, it has been stated by Respondents that the applicant has rendered his service since 1978 every year during monsoon season as seasonal Khalasi. In other words, every year from 1978, applicant has been working for a period ranging ^{from} 3 to 5 months as Seasonal Khalasi in the organisation, which is connected with flood forecasting under the Central Water Commission. Respondents have stated in para-8 of counter that services of none of the juniors of applicant have been regularised. Respondents have further stated that the Department is maintaining a seniority list of Seasonal Khalasis and whenever any regular appointment will be made, senior person of the seniority list, will be regularised, if he is found suitable for the post as per the

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4. As the applicant has been working from 1978 onwards and in the meantime, more than 20 years has passed and he is working only for certain months in a year and since Respondents have systemed for maintaining seniority list of seasonal Khalasis and to consider them for regularisation against regular posts in the establishment, Respondents are directed that such regularisation against regular posts in the establishment should be done by the Respondents by absorbing the applicant strictly in accordance with his turn as per the seniority list. Applicant is given liberty to approach the Tribunal in case he finds that any of his juniors as per the seniority list, in the meantime, has been regularised ignoring the case of applicant. We make it clear that while considering the candidature of applicant for regularisation, the age-limit of applicant should be condoned to the extent of service rendered by him under the Department in accordance with the law as laid down by the Hon'ble Supreme Court in a number of cases.

5. With the above observations and directions, the Original Application is disposed of. No costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath CM.
(SOMNATH SOM)
VICE-CHAIRMAN
12/20

KNM/CM.