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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH; CUTTACK.

ORIGINAL APPLICATION NO. 396 OF 1992.
Cuttack, this the 19th day of July, 1999.

Subash Chandra Maharana. 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 Tribunal or not? No

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
19.7.99

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 396 OF 1992.
Cuttack, this the 19th day of July, 1999.

C O R A M:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN
A N D

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

...

Subash Chandra Maharana, aged about 27 years,
S/o. Shri Benudhar Maharana, Quarters No.8/B,
Retanga Colony, Jatni, Dist. Khurda.

... APPLICANT.

By legal practitioner: Mr. D. N. Mishra, Advocate.

-Versus-

1. Union of India represented through his
Secretary, Department of Telecommunications,
New Delhi.
2. Chief General Manager, Telecom, Orissa Circle,
Sachivalaya Marg, Bhubaneswar, Dist. Khurda.
3. Superintendent Engineer, Telecom Civil Circle,
Saheednagar, Bhubaneswar 751007.
4. Executive Engineer, Telecom Electrical Division,
Saheednagar, Bhubaneswar 751 007.

... RESPONDENTS.

By legal Practitioner: Mr. S. B. Jena, Additional Standing
Counsel (Central).

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O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:

S. B. Jena
In this Original Application under section 19 of the
Administrative Tribunals Act, 1985, applicant has prayed for
a direction to Respondents to absorb him against a regular
post of Works Clerk, Grade-II.

2. Applicant's case is that, his name was recommended
through Employment Exchange and after attending an interview
and typing test, he was appointed to the Post of Works Clerk
Grade-II. The appointment letter dated 30.7.87 is at

Annexure-2. In the appointment letter, there was a stipulation that the appointment is purely temporary for 89 days and they are liable to be terminated when regular officials join in the vacant post. Accordingly, applicant gave an undertaking, according to him, under coercion. Applicant worked as Works Clerk, Grade-II, after getting the order dated 13.3.1987. Suddenly, on 27.10.1987, applicant received a notice from Opposite Party No. 4 terminating his service w.e.f. 30.10.1987. He met Opposite Party No. 4 and asked for a further extension and after a gap of three days, he was given a further appointment. Ultimately, he was terminated from 20.1.1988 and no further extension was given. Applicant made representations but without any result. That is how, he has come up in this original Application with the prayer referred to earlier.

3. Respondents, in their counter, have stated that this original Application is barred by limitation because the last 89 days engagement as Works Clerk, Grade-II is related to January, 1988 and he has filed this original Application in 1992. It is also submitted by Respondents that the posts of Works Clerk, Grade-II are to be filled up by getting names from SSC. In exigencies of service, applicant and five others were selected in an interview held on 9.1.1987 to 11.1.1987 and engaged for a period of 89 days. It was clearly indicated in the order of appointment that the appointment is for 89 days basis and the service of applicant will be terminated in the event of receipts of names from the staff selection Commission, Calcutta, and the applicant can not ask for further extension. Applicant gave an undertaking


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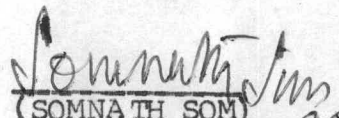
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and joined accordingly. On getting names from SSC, his services were terminated. As applicant was not appointed in accordance with the Recruitment Rules, Respondents, have stated that his services, can not be regularised as works Clerk, Grade-II, as claimed by him.

4. We have heard Mr. D. N. Mishra, learned counsel for Applicant and Mr. S. B. Jena, learned Additional Standing Counsel (Central) appearing for the Respondents and have perused the records. From the pleadings of parties, it is clear that the posts of works Clerk, Grade-II are to be filled up by getting names from SSC. In exigencies of work, applicant alongwith five others were appointed on 89 days basis and he worked there according to his own submission from 13.8.87 to 20.1.1988. As applicant was not selected to the post in accordance with the Recruitment Rules, he has no claim/right to be absorbed in that post.

5. In view of this, we hold that this original Application is without any merit and the same is rejected but under the circumstances, without any order as to costs.


(G. NARASIMHAM)
MEMBER (JUDICIAL)


(SOMNATH SOM)
VICE-CHAIRMAN 7.99

KNM/CM.