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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACKBENCH.

Original Application No.521 of 1992.

DATE OF DECISION: 25.06.1993.

Dwarika Prasad ... Applicant.

Versus

Union of India and others ... Respondents.

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? *NO*
2. Whether it be circulated to all the Benches of *NO*
the Central Administrative Tribunals or not ?


MEMBER (ADMINISTRATIVE)

25 JUN 93


VICE-CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.521 of 1992.

Date of decision ; June 25,1993.

Dwarika Prasad ...

Applicant.

Versus

Union of India and others .. Respondents.

For the applicant ... M/s. Deepak Misra,
A.Deo, R.N.Naik,
D.K.Sahu, Advocates.

For the respondents ... Mr.Ashok Misra ,
Sr.Standing Counsel (Central)

C O R A M:

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

A N D

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

J U D G M E N T

K.P.ACHARYA, V.C., In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays for a direction to be issued to the respondents to regularise the services of the applicant against a regular vacancy.

2. Shortly stated, the case of the applicant is that the applicant was working as a Casual Typist in the Office of the Accountant General (Audit) from 25.9.1987 to 2.1.1989. The authorities instead of regularising the services of the applicant terminated his services for which the applicant had moved this

Bench in an application under section 19 of the Administrative Tribunals Act, 1985, forming subject matter of O.A.50 of 1989. Observations were made in O.A.50 of 1989 that there was no vacancy. Since according to the applicant at present there are vacancies this application has been filed with the aforesaid prayer.

3. In their counter, the respondents maintained that there is no vacancy at present in the Office of the Accountant General (Audit) and that appointments are made through Staff Selection Commission. Therefore, there is no possibility of regularising the services of the applicant.

4. We have heard Mr. Deepak Misra, learned counsel for the applicant and Mr. Ashok Misra, learned Senior Standing Counsel (Central) for the respondents. Nothing was placed before us on behalf of the applicant to indicate that actually there are vacancies. Hence, we do not feel inclined to accept the aforesaid submission of Mr. Deepak Misra on ⁱⁿ instructions.

5. Appointment to the post of Lower Division Clerk/ Stenographers have to be made through Staff Selection Commission following the mandate of the Government. Hence, we are not in a position to direct the Accountant General (Audit) to regularise the services of the applicant.

Mr. Deepak Misra contended that applicant intends to appear at the examination to be held by the Staff

Selection Commission and, therefore, direction be issued to the Staff Selection Committee to relax the age of the specific applicant. We cannot issue any direction to the Staff Selection Commission because the Staff Selection Commission is not a party in this case. No opportunity has been given to the Staff Selection Commission to have their say in the matter. Therefore, we do not propose to give any direction to the Staff Selection Commission. Further submission of Mr. Deepak Misra is that the applicant intends to file an application. We have no objection. In case, any application is filed, the Staff Selection Commission would pass orders according to rules. We do not fetter the discretion of the Staff Selection Commission.

In case, work is available, the authorities may consider to entrust some work to the applicant on casual basis.

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


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MEMBER (ADMINISTRATIVE)

25 JUN 93

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
June 25, 1993./Sarangi.


..... 25.6.93
VICE-CHAIRMAN

