

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 530 of 1992

Date of Decision: 31.3.1993

Versus

Union of India & Others **Respondents**

For the applicant

Mr. D. P. Dhalasamant,
and D. Mohanta, Advocates

For the respondents

Mr. Akhaya Mishra
Standing Counsel
(Central Government)

C O R A M:

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

1. Whether the reporters of local newspapers may be allowed to see the judgment ? Yes
2. To be referred to reporters or not ? No
3. Whether His Lordship wishes to see the fair copy of the judgment ? Yes

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JUDGMENT

MR. K. P. ACHARYA, VICE-CHAIRMAN, In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner prays for a declaration that disengagement of the petitioner from the post of Sweeper with effect from 1.4.1992 by Opposite Party No.2 is arbitrary, illegal, unjustified and unreasonable.

2. Shortly stated the case of the petitioner is that from the year 1987 to 1991 the petitioner had been working as a Sweeper in part time basis in the office of the Executive Engineer, Telecom Civil Division, Bhubaneswar. In the year 1992, the very same post was converted to a job contract post and Opposite Party No.4 was appointed to discharge the same nature of duties on job contract basis after different persons have submitted their quotations. Due to the disengagement of the petitioner this application has been filed.

3. In their counter the opposite parties maintain that the concerned authority rightly invited quotations and work was entrusted to the lowest tenderer which should not be unsettled rather it should be sustained; the case being devoid of merit is liable to be dismissed.

4. I have heard Mr. D. P. Dhalasamant, learned counsel for the petitioner and Mr. Akhaya Mishra, learned Standing Counsel. Mr. Akhaya Mishra invited my attention to Annexure R/1 and R/2 in which the Executive Engineer had called for quotations. Mr. Mishra further contended that since the appointment has been made in favour of OP No.4 on job contract basis, this application should be dismissed. Engagement of persons on job contract basis and calling for quotations is

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absolutely a new procedure adopted by the Executive Engineer. Disengagement ^{of this nature} in otherwords amounts to engagement of a particular person as a casual labourer. I was told that engagement of OP No.4 would expire on 31.3.1993 and somebody else has to be appointed with effect from 1.4.1993.

5. It is directed that the Executive Engineer may call for applications and consider the suitability of each of the incumbents and whosoever is found to be suitable may be appointed as Casual labourer for a particular period to be fixed by the Executive Engineer. I hope the experience gained by the petitioner and OP No.4 ^(if they apply) would be taken into consideration. Thus the application is accordingly disposed of. No cost.

L.K.S. 31.3.93
VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench, Cuttack
dated the 31.3.1993/ B.K.Sahoo

