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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK

Original Application No. 112 of 1993

Date of Decision: 17.11.1993

S.N.Pati & another

Applicant(s)

Versus

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

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



[Signature]
MEMBER (ADMINISTRATIVE)

17 NOV 93

[Signature] 17/11/93
VICE-CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK

Original Application No. 112 of 1993

Date of Decision: 17.11.1993

S.N.Pati & another Applicants

Versus

Union of India & Others Respondents

For the applicant

M/s.Ashok Mohanty
P.R.Dash
T.Ratho,
Advocates

For the respondents

Mr.Ashok Mishra
Sr.Standing Counsel
(Central Government)

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C O R A M:

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

AND

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

JUDGMENT

MR.K.P.ACHARYA, VICE-CHAIRMAN: Vide Annexures 1 and 2, the petitioners were appointed as Assistant Store Keepers under Opposite Party Nos. 3 and 4. Petitioner Shri Sadananda Pati was appointed from 15.6.1987 to 14.9.1987 and petitioner No.2 Shri Subash Khara was appointed from 13.6.1987 to 19.9.1987. Subsequently, their services were regularised vide Annexures-3 and 4 with effect from 1.8.1989. Grievance of the petitioners is that their services should have been regularised retrospectively with effect from the date of their initial appointment. Hence this application has been filed with the aforesaid prayer.

2. In their counter the opposite parties maintain that law does not permit such retrospective regularisation.



and so far as the judgments of Hyderabad Bench and Andhra Pradesh High Court are concerned, it cannot be acted upon, because the petitioners were not parties in those writ petitions; and therefore, it is maintained by the opposite parties that the case being devoid of merit is liable to be dismissed.

3. We have heard Mr. Ashok Mohanty, learned counsel for the petitioners and Mr. Ashok Mishra, learned Standing Counsel.

4. Mr. Ashok Mohanty placed before us the judgments of the Central Administrative Tribunal, Hyderabad Bench passed in T.A. No. 145 of 1987, disposed of on 28th day of March, 1989, in which the view taken by the Andhra Pradesh High Court in Writ Petition No. 1689 of 1985 giving rise to T.A. No. 868 of 1986 allowed ^{by} the prayer of the petitioners and directed ^{by} that regularisation of services of the petitioners with effect from the date of their initial appointment. We find there is considerable force in the contention of Mr. Ashok Mohanty that the view taken both by Andhra Pradesh High Court and Hyderabad Bench apply ~~in~~ full force to the facts of the present case. Even if the petitioners were not parties in these writ petitions before the Andhra Pradesh High Court and before the Hyderabad Bench, if a particular law laid down by a competent court helps or comes to the rescue of a particular person aggrieved, the law must be used in his/her favour and due protection



must be given to the person aggrieved. Since we have held that the observations or the rule laid down by the Andhra Pradesh High Court and Hyderabad Bench apply in full force to the facts of the present case, we would direct that the services of the petitioners M/s. Sadananda Pati and Subash Khara be regularised retrospectively with effect from the date of their initial appointments and accordingly their seniority etc. must be computed in their favour. Thus the application stands allowed. No costs.


MEMBER (ADMINISTRATIVE)

17 NOV 93


VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench Cuttack
dated the 17.11.1993/B.K.Sahoo

