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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO.166 OF 1993.

Cuttack, this the 30th of August, 1999.

Kulamani Prusty.

....

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  
(SOMNATH SOM)  
VICE-CHAIRMAN  
30.8.99

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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO.166 OF 1993.

Cuttack, this the 30th of August, 1999.

C O R A M:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN  
AND  
THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDL.).

..

KULAMANI PRUSTY,  
Son of late Judhistir Prusty,  
presently working as Skilled  
Saranga Grade-III,  
Under Bridge Inspector,  
Regirdering Birupa,  
which is under the District  
Engineer, Regirdering Cuttack,  
At/PO. Jagatpur, District-Cuttack,  
a permanent resident of Nadhara,  
PO. Nadhara, Dist. Dhenkanal.

....

APPLICANT.

By legal practitioner : Mr. Biswajit Mohanty, Advocate.

- VERSUS -

1. Union of India represented through  
General Manager, South Eastern Railway,  
Garden Reach, Calcutta, West Bengal.
2. Divisional Railway Manager,  
Khurda Road Division,  
South Eastern Railway,  
Khurda Road, Jatani, Puri.
3. Divisional Personnel Officer,  
South Eastern Railway,  
Khurda Road, Jatani, Dist. Puri.
4. Divisional Engineer, Regirdering,  
South Eastern Railway, Cuttack.
5. Assistant Personnel Officer-III,  
Khurda Road Division, South Eastern  
Railway, Jatani, Dist. Puri. ... ..

RESPONDENTS.

By legal practitioner : Mr. D. N. Mihsra, Standing Counsel (Rlys.).

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O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:

In this Original Application under section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for a direction to Respondents for early implementation of the seniority position and consequential benefits such as grant of temporary status to applicant and his absorption in permanent cadre post and other financial benefits. In this matter, of 1993, in spite of passage of six years, counter has not been filed. From April, 1997, five adjournments have been allowed to Respondents, at the instance of learned <sup>Additional</sup> Standing Counsel, later Standing Counsel Mr. D. N. Mishra, appearing for the Respondents, who from time to time wanted four weeks, two weeks and one week time to file counter. Lastly on 14-08-1997, learned Standing Counsel for Respondents indicated that counter will be filed within one week. Thereafter, in spite of passage of another two years, counter has not been filed. The matter has come up for hearing today from the WARNING list notified more than a month ago. It is submitted by learned Standing Counsel for Respondents that as the prayer in this Original Application is for implementing the earlier order of this Tribunal, the Respondents do not file counter. In view of this, the matter was taken up for hearing.

*want to file counter*  
*J Som*

*J Som .*

2. We have heard Mr. Biswajit Mohanty, learned counsel for Applicant and Mr. D. N. Mishra, learned Standing Counsel appearing for the Respondents and have perused the records.

For the purpose of considering this Original Application, it is not necessary to go into too many facts of this case. In the absence of counter from the Respondents, we have necessarily to go by the averments made by the Applicant in his petition. According to Applicant he joined as a Casual labourer under the Bridge Inspector, Khurda Road in 1966. In 1972, a combined Division-wise seniority list was prepared and in this the name of applicant appeared much below the correct place. Again in 1974, another seniority list was prepared in which the name of applicant did not appear at all. Because of this, applicant was deprived of the facility of acquiring the temporary status. He approached the Hon'ble High Court of Orissa in OJC No. 1260 of 1979 which was transferred to this Tribunal and re-numbered as Transferred Application No. 62 of 1986, disposed of in order dated 14-08-1986. In the operative portion of the order, the Tribunal directed the Respondents that the petitioner be given temporary status and his seniority be decided by the concerned authority according to Rules. As this order was not complied with, the applicant approached the Tribunal again in Original Application No. 43 of 1990 which was disposed of on 10-04-1991 with the observation that the applicant is entitled to the benefit of judgment in TA No. 62 of 1986 and the judgment should be implemented within two months from the date of receipt of a copy of this order. Tribunal also observed that if this is not done, law will take its own course. Applicant has stated that after five months of the aforesaid order dated 10.4.91,

J. J. Soms

the Departmental Authorities called for service particulars of applicant and the applicant was directed to appear before the Assistant Personnel Officer-III, Khurda Road Division on 11-11-1991. Applicant's case is that, he accordingly appeared on 11-11-1991 but no further action was taken to implement the earlier orders of this Tribunal. It is stated by learned counsel for applicant that as Respondents have been negligent in complying with the orders of this Tribunal and as the earlier period of two months for implementing the judgment dated 14-8-1986 as directed in order dated 10-4-1991 has already been over, learned counsel for applicant wanted that a fresh time period should be fixed on the Respondents to implement the above judgment of the Tribunal. We have considered the above submission of the learned Counsel for the Applicant. We have also heard Mr. D. N. Mishra, learned Standing Counsel who did not make any submission that the earlier orders of this Tribunal have been appealed against. In view of this, we direct the Respondents to comply with the order dated 14-8-1986 in TA No. 62 of 1986 within a period of 4 (four) months from the date of receipt of a copy of this order, in case the same has not yet been implemented.

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

(G. NARASIMHAM)  
MEMBER (JUDICIAL)

Somnath Som  
SOMNATH SOM  
VICE-CHAIRMAN  
30.8.91

KNM/CM.