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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO: 197 of 1993

Date of decision: December 1, 1993.

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|---------------------------|--------|-------------|
| B.P. Samanta and others | | Applicants |
| | Versus | |
| Union of India and others | | Respondents |

(For instructions)

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


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

01 DEC 93


(K.P. ACHARYA)
VICE-CHAIRMAN

(4)

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| | Versus | |
| Union of India & others | ... | Respondents |
| For the Applicant | | M/s. Ashok Mohanty, P.R.Dash, T. Ratho, Advocates |
| For the Respondents | | Mr. Uma Ballav Mohapatra, Addl. Standing Counsel (Centr) |

C O R A M:-

THE HON'BLE MR.K.P. ACHARYA, VICE CHAIRMAN

&

THE HON'BLE 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 petitioners (35 in number) pray for quashing Annexure-4 and consequential orders to follow.

2. Shortly stated the case of the petitioners is that they have been working in different ranks such as S.C.M, Steno, L.D.C., A.S.K., Peon, M.T.D-II, M.T.D.F.E.D.F.M, S. W₂la, M.T.F., U.S.L and Joiner in the Naval Armament Depot, Sunabeda in the District of Koraput. The petitioners were appointed for 89 days on different dates mentioned in their petition and have been continuing as such ^{after} their services have been regularised with effect from the dates in the shown against each of them ~~chart sheet~~ annexed thereto.

Their services were not taken to be continuous for the purpose of computing their seniority, leave etc. Representation was made by the petitioners to the competent authority to ante date their regularisation of service with effect from the initial date of appointment. This representation stood rejected as it appears from Annexure-4 dated 22nd January, 1993. Hence this application has been filed with the aforesaid prayer.

3. In their counter, the Opposite Parties maintained that since there was a break in service of all the petitioners ^{for} ~~from~~ one day (on expiry of 89 days), the benefit claimed by the petitioners in this petition, is neither acceptable nor tenable and hence should not be allowed.

4. We have heard Mr. T. Ratho learned counsel appearing for the petitioners and Mr. Uma Ballav Mohapatra learned Additional Standing Counsel (Central).

5. Mr. Ratho learned counsel appearing for the petitioners invited our attention to the judgment passed by this Bench in Original Application No. 112 of 1993 disposed of on 17th November, 1993. In the said Original application, the petitioners who are Assistant Store Keepers were appointed on 89 days basis and ultimately their regularisation was ordered with effect from the date of the order passed in their favour. They filed an application for a direction to order regularisation with effect from the initial date of their appointment. In the said Original Application and in the present case, reliance has been

placed on a judgment of the Hyderabad Bench forming subject matter of Transferred Application No.145 of 1987 disposed of on 28th March,1989. In the said judgment, the Hon'ble Judges took note of the view of the Andhra Pradesh High Court expressed in their judgment passed in connection with a writ petition No.1689 of 1985. The Central Administrative Tribunal Hyderabad Bench directed regularisation of the services of the petitioners before them with effect from the date of their initial appointment of those petitioners. Accordingly following the view taken by the Hyderabad Bench, we ordered regularisation of services with effect from the date of their initial appointment so far as the petitioners in Original Application No.112 of 1993 is concerned. We find no justifiable reason to make a departure from the view already taken in the said original application. Therefore, applying the principles laid down by the Hyderabad Bench and that of this Bench in Original Application No.112 of 1993, we would direct that the deemed date of regularisation of the services of all the petitioners would be with effect from their initial date of appointment. Hence the orders be amended accordingly.

6. Thus, the application stands allowed leaving the parties to bear their own costs.



MEMBER (ADMINISTRATIVE)

01 DEC 93

Central Admn. Tribunal,
Cuttack Bench/K. Mohanty,

1.12.1993.

by as per
1/12/93
VICE-CHAIRMAN