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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH CUTTACK

Original Application No. 708 of 1993

Date of Decision: 22.6.1994

Trilochan Das & Others

Applicant(s)

Versus

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not ?

T. S. D.  
MEMBER (ADMINISTRATIVE)  
22 JUN 94

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VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH CUTTACK

Original Application No.708 of 1993

Date of Decision: 22.6.1994

Trilochan Das & Others

Applicants

Versus

Union of India & Others

Respondents

For the applicant

Mr. A. K. Mishra,  
Advocate

For the respondents

Mr. U. B. Mohapatra,  
Standing Counsel (Central)

C O R A M:

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

AND

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (AD MN)

JUDGMENT

MR. K. P. ACHARYA, VICE-CHAIRMAN: In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioners (seven in number) pray for a direction to be issued to the opposite parties not to terminate the services of the petitioners with effect from 31.12.1993 and to issue confirmation orders in in favour of the petitioners in their respective posts.

2. The petitioners are seven in number who had been working as Draftsman (Gr. III) in the Census Organisation vide appointment order contained in Annexures 1 to 7 dated 3.7.1991. The posts in question were created for a particular period and the period having been expired on 28.2.1994, the consequently the petitioners had to be deprived of the said posts. Prayer of the petitioners cannot be allowed, because there is no more existence of the posts in question.

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and fairly  
 Therefore, rightly/Mr.A.K.Mishra, learned counsel for the  
 petitioners submitted that a direction be issued to the  
 opposite parties that in future whenever vacancy <sup>arises</sup> arose,  
 first preference should be given to these petitioners  
 according to their seniority for appointment to such posts  
 or anyother equivalent posts. It was furthermore submitted  
 by Mr.Mishra that in case no vacancy arises in future, the  
 case of the petitioners should be referred to Surplus Cell  
 for finding out a berth for the petitioners. This was  
 opposed to by Mr.U.B.Mohapatra, learned Standing Counsel  
 on the ground that the petitioners were casual employees.  
 We were taken through the terms and conditions of the  
 order of appointment contained in Annexures 1 to 7. No where  
 we find that the petitioners have been designated as casual  
 labourers, on the contrary, the petitioners are temporarily  
 appointed against the posts of Draftsman. Therefore, we find  
 no merit in the contention of Mr.U.B.Mohapatra, learned  
 Standing Counsel. MF

3. After giving our anxious consideration to the  
 arguments advanced at the Bar, we would direct that first  
 preference should be given to the petitioners in respect of  
 vacancies, if available now, or would be available in future  
 and in case rules permit their cases should be referred to  
 Surplus Cell for being deployed, <sup>the same or</sup> to other posts. In this  
 connection Mr.A.K.Mishra invited our attention to the  
 provisions contained in Page-3(2) of Chapter 34 of Swamy's  
 Master Manual of DDOs and Heads of Offices on the subject  
 'Scheme for redeployment/absorption of retrenched Group C/D  
 Temporary Employees'. We hope and trust the competent

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authority would devote his attention to the provisions contained above and the provisions contained under Para 3,6,& 7 and pass necessary orders according to law. Thus the application is accordingly disposed of. No costs.

1.5. Sahu  
MEMBER (ADMINISTRATIVE)

22 JUN 94

*Leena Datta*  
22-6-94  
VICE-CHAIRMAN

Central Administrative Tribunal  
Cuttack Bench Cuttack  
dated the 22.6.1994/ B.K. Sahoo