

14

13

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

*[Signature]*  
MEMBER (ADMINISTRATIVE)

22 JUN 94

*[Signature]* 22.6.94  
VICE-CHAIRMAN

15

19

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 (ADMN)

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.

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~~ <sub>in</sub> first preference should be given to these petitioners according to their seniority for appointment to such posts or any other 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. ~~At~~

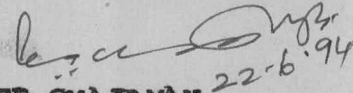
3. After giving our anxious consideration to the arguments advanced at the Bar, we would direct that first preference should be given to the petitioners in respect of vacancies, if available now, or would be available in future and in case rules permit their cases should be referred to Surplus Cell for 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 ~~Para~~ 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



17  
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.

  
MEMBER (ADMINISTRATIVE)

22 JUN 94

  
VICE-CHAIRMAN

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