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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK

ORIGINAL APPLICATION NO.301 OF 1995
Cuttack this the 29th day of July/2002

Smita Das

...

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 Tribunal or not ? No

M.R. Mohanty
(M.R. MOHANTY) 29-07-2002
MEMBER (JUDICIAL)

S.K. Hajra
(S.K. HAJRA)
MEMBER (ADMINISTRATIVE)

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 301 OF 1995
Cuttack this the 29th day of July/2002

CORAM:

THE HON'BLE MR. S.K. HAJRA, MEMBER (ADMINISTRATIVE)
AND
THE HON'BLE MR. M.R. MOHANTY, MEMBER (JUDICIAL)

...

Smita Das,
Daughter of Rabindra Kumar Das
Resident of Sidheswar Sahi
PO-Kanika Rajbati, District-Cuttack

...

Applicant

By the Advocates

M/s.J.Patnaik
H.M.Dhas

-VERSUS-

1. Union of India represented through the Secretary, Information and Broad Casting Department, New Delhi
2. Director General, Doordarshan, Mandi House, New Delhi-110 001
3. Director, Doordarshan Kendra, At/PO-Bhubaneswar, Dist-Khurda

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Respondents

By the Advocates

Mr.A.K.Bose,
Sr.Standing Counsel
(Central)

ORDER (ORAL)

MR .S.K.HAJRA, MEMBER (A): The applicant filed this original application seeking direction to regularise her services, as per the seniority list prepared by the Respondent Department pursuant to the directions of this Tribunal and quash the appointment of any other person without the regularisation of her service.

2. The learned counsel for the applicant contended that the seniority list of casually engaged Production Assistants was prepared by the Respondents and that Shri Sunil Kumar Das, who had worked much less number of days than the applicant

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was being offered appointment on regular basis and that the applicant be regularised, as she had worked longer than Shri Sunil Kumar Das.

3. The learned Senior Standing Counsel submitted that Shri Sunil Kumar Das is actually at Sl. No.2 of the said seniority list of casual Production Assistant; that the applicant is at Sl. No.3 in the said seniority list prepared in pursuance of the direction of this Tribunal and the case of the applicant would be considered as per the scheme/ position in the seniority list depending upon the availability of vacancy in the category of production assistant.

4. Heard the learned counsel for both sides and perused the records. The applicant has not filed any rejoinder contesting the stand of the Respondent Department that the ~~name~~ if Shri Sunil Kumar Das figured at Sl. No. 2 of the seniority list of casual Production Assistants, prepared in accordance with the order of this Tribunal in O.A.Nos. 441/92, 562/92 and 362/92 dated 16.11.1993; nor has she substantiated her contention that she had worked for a longer period than Shri Sunil Kumar Das. In any case there is no material on record to impugn the seniority position of Shri Sunil Kumar Das by the applicant. Shri Sunil Kumar Das, against whom the applicant claims relief has not been made a party in this O.A. Moreover, the offer of appointment to the applicant, as contended by the Respondent will depend upon the availability of vacancy in the grade of Production Assistant, and a statement has been made on behalf of the Respondent Department that at present there is no vacancy in the grade of Production Assistant.

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5. In the light of the facts stated above, we have come to the conclusion that there is no ground for regularising the service of the applicant and giving her the reliefs at present.

6. For the reasons stated above, this Original Application is dismissed. No costs.

T. Mohanty
(M.R. MOHANTY) 29/07/2002
MEMBER (JUDICIAL)

S. K. Hajra
(S.K. HAJRA)
MEMBER (ADMINISTRATIVE)

KNM/CM.