

Or. 2. 19.06.03

Copies of order
are prepared for
counsel for both side

24/06

24/06

Order dated 19.6.2003

Shri Birakishore Sahoo (applicant) has filed this Original Application under Section 19 of the A.T. Act, 1985, seeking direction from this Tribunal to the Respondents to confirm his service in the Grade of T-I w.e.f. the year 1995 with all consequential benefits, to refix his seniority above that of his junior after confirming as T. I and to direct the Respondents to give him all consequential service benefits.


We have heard Ms. P. Priyambada, the learned counsel for the applicant and Shri S. B. Jena, learned Addl. Standing Counsel appearing for the Respondents-Department.

From the history of the case it reveals that the applicant was engaged by the Respondents w.e.f. 9.9.1976 as literate labourer on casual basis in Operational Research Project (Post Control). Being a literate labourer he was eligible for appointment against regular vacancy of supporting staff or could have been considered for casual appointment against T-I (Field Asst. post). Respondents have submitted that for appointment to the grade of T.I the recruitment rules provide that 80% of the posts to be filled up by candidates sponsored by the Employment Exchange and 20% of posts to be filled up from among the eligible ~~candidates~~ supporting staff having requisite qualifications and merits. Admittedly the applicant was regularised as supporting staff Grade-I w.e.f. 16.6.1991. Soon thereafter he was called for interview

7

on 28.4.1993 for appointment to the post of T.I (Field Asst.) vide Annexure-6. He was again called for interview for selection to the same post on 24.8.1995 (Annexure-7), but he could not succeed, ^{as} the interview to be offered ^{as} the post. So finally it was in the year 1997 the applicant was selected for the post and was appointed as T.I (Field Assistant).

From the aforesaid facts and circumstances of the case it is clear that the applicant was treated fairly and according to ^{the} provisions of the recruitment rules for regularisation ^{as} of supporting staff Grade-I as also for promotion to the grade of T.I (Field Asst.). In this view of the matter, there appears ^{to be} no scope for giving him any relief as prayed for by the applicant in this O.A.. Accordingly, this O.A. is disposed of being devoid of merit. No costs.


VICE-CHAIRMAN 19/6


MEMBER (JUDICIAL)