

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.693/98

Cuttack, this the 19th day of July, 2002

CORAM:

HON'BLE SHRI M.R.MOHANTY, MEMBER(JUDICIAL)

1. Banshidhar Das, aged about 40 years,
S/o Late Udayanath Das, At-Binkudia,
PO-Muktapur, Dist-Khurda.
2. Rankanath Naik, aged about 40 years,
S/o-Late Natabar Naik, At-Lathipada,
PO-Punjimba Sasan, Via-Banpur, Dist.Khurda
..... Applicants.

For the Applicants- Mr. Manoj Mishra
Mr. D.Mishra
Mr. A.K.Nayak
Advocates

Versus

Union of India represented by
Engineer in Chief(Branch),
Army Head Quarter, Kashmir House,
New Delhi.

2. Chief Engineer, Southern Command,
Pune.
3. Chief Engineer, Navy, Station Road,
Vishakhapatnam, Andhra Pradesh.
4. Command Works Engineer(P), I.R.S.D. Area,
Vishakhapatnam, PO- Kancharpalan,
Andhra Pradesh.
5. Garrison Engineer(P), Chilka,
P.O- I.N.S.Chilka, Dist-Khurda

For Respondents - Mr.A.K.Bose, Senior Standing Counsel
for Union of India.



ORDER

M.R.MOHNATY, MEMBER(JUDICIAL)

Heard Mr.Patnaik, Ld.Counsel appearing on behalf of the Applicants and Shri A.K.Bose, Ld.Senior Standing Counsel for the Union of India appearing for the Respondents.

1. The Applicants were casually engaged under the Garrison Engineer stationed at Chilika. It is alleged that they were disengaged arbitrarily and no heed were paid, to their repeated grievances, by the Respondents. It is submitted that Bombay Bench of this Tribunal entertained the case of several similarly placed casually engaged persons. A consequential circular was issued (under Annexure-5, dt.26.6.95) to regularise the said casually engaged persons. When no heed was paid for the grievances of the Applicants (to take them back to the casual engagement or to regularise them) they filed the present Original Application under Section-19 of the Administrative Tribunal Act, 1985.

2. In the counter filed on behalf of the Respondents, it has been disclosed that since the Applicants did not serve for more than 240 days in a calendar year, their grievances are not entertainable being devoid of any merit.

3. On examination of Annexure- R/1 of the above said counter of the Respondents, it appears that the Applicant No.1 served for 307 days in the year 1981 ; which is more than the stipulated 240 days. Applicant No.1

having served, undisputedly, for more than 240 days during the year 1981, he was entitled to full protection and should not have been disengaged without following due process of law. It is submitted by the Ld.Counsel for the Applicants that a large number of similarly placed persons were given re-engagement, and, ultimately, they have been taken to regular establishment under the Respondents. If that is so, then there has been gross discrimination affecting the rights (of the Applicants) guaranteed under the Constitution of India.

4. In the aforesaid premises, this Original Application is disposed of with direction to the Respondents to immediately give casual employment to the Applicant No.1 by giving him re-engagement within a period of 60 days from the date of receipt of a copy of this order and to grant him full protection of law and, in due course, to take him to regular establishment. The Respondents are also hereby directed to examine the case of Applicant No.2 and, if casual engagements are available, his case should also receive due consideration for being engaged casually in view of his past experience.

5. With this aforesaid observations and directions, this Original Application is disposed of and, in the circumstance, there shall be no order as to cost.

/AKB/

M. R. Mohanty
(M. R. MOHANTY) 19/07/2002
MEMBER (JUDICIAL)