

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

Original Application No. 589 of 1999
Cuttack this the 28th day of June, 2000

Baikuntha Nayak . . . Applicant(s)

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Applicant(s)

-VERSUS-

Union of India & Others ... Respondent(s)

Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? Yes.
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? No.

(G.NARASIMHAM)
MEMBER (JUDICIAL)

SOMNATH SOMY
VICE-CHAI~~MAN~~ 2010

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 589 OF 1999
Cuttack this the 28th day of June, 2000

CORAM:

THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN

AND

THE HON'BLE SHRI G.NARASIMHAM, MEMBER (JUDICIAL)

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Baikuntha Naik
aged 32 years
Son of Panchu Nayak
Village - Kudutati, PS:Guguda
Dist: Ganjam
At present Divisional Engineer(Switching)
at 485/2, Saheed Nagar
Bhubaneswar-751004, Dist: Khurda

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Applicant

By the Advocates

M/s. S.S.Das
B.R.Das
K.R.Mohanty
K.Behera
S.Modi

-VERSUS-

1. Union of India represented through the
Secretary, Department of Telecommunication,
Government of India, Sanchay Bhawan
New Delhi-1
2. Chief General Manager, Telecommunication
Bhubaneswar-751001, Orissa
3. Director, Survey & Transmission,
Telecom Administrative Building,
Rupali Square, Bhubaneswar, Dist: Khurda

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Respondents

By the Advocates

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

S. S. Das

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11 MR. SOMNATH SOM, VICE-CHAIRMAN: In this Application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner has prayed for a direction to respondents to consider him for appointment to the post of Driver lying vacant under the respondents. Departmental respondents have filed counter.

2. We have heard Shri S.S.Das, learned counsel for the petitioner and Shri A.K.Bose, learned Sr.Standing Counsel appearing for the respondents and also perused the records.

3. For the purpose of considering this Application it is not necessary to go into too many facts of this case. The case of the petitioner is that he has worked from 1992 to 1996 as casual driver under the respondents. The averment of the applicant that he has worked for all these four years as casual driver is ~~not~~ ^{J.W.} disputed by the respondents, who have stated that the applicant was engaged as casual driver on need basis ~~and~~ as and when required. Respondents have not denied that posts of driver are lying vacant. In Para-6 of their counter they have indicated that the posts of drivers are to be filled in pursuance of the recruitment rules. They have stated further that when steps are taken up for filling up of the post of Driver in case the petitioner applies for the same then his case will be considered strictly in accordance with rules. In view of this it appears that respondents are prepared to consider the candidature of the applicant in accordance with rules at the time of filling up of the posts of Driver in case the applicant applies for the same. It is submitted by the learned counsel for the petitioner Shri Das that as a matter of fact the departmental authorities have taken up the process for filling up the post of driver and in the process a notice dated 7.6.2000 has been issued to the applicant requiring him to appear at the test

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on 27.6.2000. From this it is also clear that the departmental authorities are going to consider the case of the applicant. Learned counsel for the petitioner has shown us the notice in which in Para-8 the petitioner has been directed that at the time of appearing the test he should ~~be~~ bring with him documentary proof regarding actual period(date wise) of the service rendered by him under the respondents as casual driver. In consideration of the above we dispose of this Original Application with a direction to respondents that in pursuance of the notice dated 7.6.2000 candidature of the applicant should be considered for the post of Driver. Needless to say that in accordance with law as laid down by the Hon'ble Supreme Court while considering candidature of the applicant he should be given age relaxation, if any, to the extent of actual service rendered by him under the respondents.

The Original Application is disposed of as above, but without any order as to costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

B.K.SAHOO//

Somnath Som.
(SOMNATH SOM)
VICE-CHAIRMAN
28.6.2000