

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

ORDER DATED 10-04-2002.

Applicant, having required educational

qualification, was engaged as a General Assistant under the Respondents since 1.10.1986 on casual basis. Despite the scheme for regularisation of casual employees, like the Applicant, issued w.e.f. 17-03-1994, the applicant has not yet been regularised; for which he preferred this original Application. It is undisputed now, in course of hearing of this case, that the Applicant is fully covered under the scheme for regularisation since 1994. The reasons for which the Applicant has not been regularised as yet, have not been given out by the Respondents. Today, in course of hearing, learned Additional Standing Counsel Mr.S.B.Jena, brings on record a letter dated 09-04-2002 of the Administrative Officer of Shubaneswar Darshan Kendra, wherein it has been clearly stated that there was no reason as to why the present Applicant was prevented from being regularised in the post of General Assistant. It has also been disclosed in the said letter dated 09-04-2002 that presently a post of General Assistant is vacant under the Respondents; as against which, she can be regularised. As a consequence, after hearing the Advocate for the Applicant and Mr.Jena, learned ASC for the Respondents and Mr.Kanunge, learned Counsel appearing for the Respondent No.5, the Respondents are hereby directed to regularise the Applicant in the post of General Assistant/ LDC within a period of one month from the date of receipt of a copy of this order.

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In the counter it has been disclosed that no sooner a vacancy is available, the applicant shall be regularised and, therefore, the regularisation of the Applicant should be anti-dated from the date ^{was made} a vacancy ~~is~~ available under the Respondents. While anti-dating the regularisation of the Applicant, the fact that a vacancy arose w.e.f. 01-09-2000 i.e. the date following the retirement of one Shri P.C.Khatua should be taken note of and, accordingly, regularisation of the Applicant should be anti-dated. All consequential arrear financial benefits (minus the payments have already been made) should also be released in favour of the Applicant within a period of three months.

In the result, the OA is allowed in the aforesaid terms. No costs.

Yolub
10/04/2002
Member (Judicial)

Copy to the concerned authority and the concerned authority may be directed to do the same.
The concerned authority before taking any action
is advised to consult the concerned authority.

For and on behalf of the concerned authority,
S. O. S.
18/04/2002

It is further directed that the concerned authority
will be informed of the date of publication of the order
regularising the concerned authority and the concerned authority
is directed to take the necessary steps to implement
the concerned authority's decision to regularise the concerned authority
and inform the concerned authority of the date of publication of the order.