

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NOS. 61 TO 76 OF 2000.
Cuttack, this the 7th day of March, 2002

PRASANTA KUMAR NAYAK & ORS.

APPLICANTS.

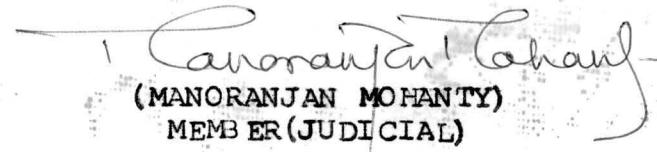
VRS.

UNION OF INDIA & OTHERS.

RESPONDENTS.

FOR INSTRUCTIONS.

1. Whether it be referred to the reporters or not?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not?


(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)

19

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NOS. 61 TO 76 OF 2000.
Cuttack, this the 7th day of March, 2002.

C O R A M:

THE HONOURABLE MR. MANORANJAN MOHANTY, MEMBER (JUDICIAL).

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O.A.NO.61 OF 2000.

Prasanta Kumar Nayak, S/o. Gangadhar Nayak,
At-Arisol, PO: Dandichhatabar, Dist. Khurda,
At present working as Casual Labour (Farash),
O/O. the Supdt. Central Excise & Customs,
Khurda Range, Bhubaneswar.

.... Applicant.

-Vrs.-

1. Union of India through Secretary, Ministry of Finance
Central Board of Excise & Customs, North Block, New Delhi.
2. Commissioner-I, Central Excise and Customs, Ministry of Finance, C.R. Building, Rajaswa Vihar, Bhubaneswar-4.
3. Superintendent, Central Excise and Customs, Khurda Range, Khurda.

.... Respondents.

O.A.NO.62/2000.

1. Kanthamani Nayak,
Aged about 28 years, S/O. Balaram Nayak,
At present working as Casual Labourer Mali,
Office of Central Excise & Customs,
Commissioner -II, Bhubaneswar-4.
2. Srinibas Lenka, Aged about 24 years, S/o-Surendranath Lenka,
At-Old Town, Bhubaneswar, At present working as Casual
Labourer Farash, O/O Central Excises Customs, Commissioner-I
Bhubaneswar-4

..... Applicants.

-Vrs-

1. Union of India, Represented through Secretary, M/O-Finance,
Central Board of Excise & Customs, North Block, New Delhi.
2. Commissioner, I & O, Central Excise and Customs, M/O-Finance,
C.R. Building, Rajaswa Vihar, Bhubaneswar-4.
3. Superintendent, (HQrs.), O/O-Commissioner-I, Central Excise
& Customs, Bhubaneswar-4.
4. Superintendent, (HQrs.), O/O. Commissioner.II, Central Excise
& Customs, Bhubaneswar-4

O.A. No.63/2000

1. Hemant Kumar Sahoo, S/o- Bidyadhar Sahoo, At-Plot No.754/1 Jayadev Vihar, Bhubaneswar-13, at present working as Casual Labour (Farash) in the Office of Asst. Commissioner, Central Excise & Customs Bhubaneswar Division, Bhubaneswar Applicant.

- Vrs*

1. Union of India through, Secretary, Ministry of Finance, Central Board of Excise & Customs, North Block, New Delhi.

2. Commissioner, I, Central Excise & Customs, Ministry of Finance, C.R. Building, Rajaswa Vihar, Bhubaneswar -4.

3. Asstt. Commissioner, Central Excise & Customs, Bhubaneswar Division, Bhubaneswar. Respondents.

O.A. No.64/2000

4. Rajendra Mukhi, S/o-Narayan Mukhi, At-Qr. No.TY-II/47, C.R. Colony, Bhubaneswar-4 at present working as Farash Cum Safaiwala in the office, Asstt. Commissioner, Central Excise & Customs, Cuttack Division Applicant.

- Vrs -

1. Union of India through, Secretary, Ministry of Finance, Central Board of Excise & Customs, North Block, New Delhi.

2. Commissioner, I, Central Excise & Customs, M/o-Finance, C.R. Building, Rajaswa Vihar, Bhubaneswar-4.

3. Superintendent, Central Excise & Customs, Cuttack, II Range, C.D.A, Bidanasi, Cuttack Respondents.

O.A. No. 65/2000

1. Babu Naik, Aged about 29 years, S/o Dama Naik, At Present working as Casual Labourer Safaiwala, O/O- Central Excise & Customs, Bhubaneswar-I and II Applicant

-Vrs-

1. Union of India, Represented through Secretary, M/O-Finance, Central Board of Excise and Customs, North Block, New Delhi.

22. Commissioner-I & II, Central Excise and Customs, Ministry of Finance, C.R. Building, Rajaswa Vihar, Bhubaneswar-4 Respondents.

14

O.A. No.66/2000

1. Sudhakar Behera, S/o- Hajari Behera, At/Po-Jagannathpur, Dist-Khurda, at present working as Casual Labourer Safaiwala, O/O- Asst. Commissioner, Central Excise & Customs, Bhubaneswar Applicant.

- Vrs-

1. Union of India through, Secretary, Ministry of Finance Department of Revenue, Central Board of Excise and Customs, North Block, New Delhi.

2. Commissioner-I, Central Excise and Customs, M/o-Finance C.R. Building, Rajaswa Vihar, Bhubaneswar-4,

3. Asst. Commissioner, Central Excise & Customs C.R. Building, Rajaswa Vihar, Bhubaneswar-4 Respondents.

O.A. No.67/2000

1. Sayed Habib Alli, Aged about 28 years, S/o-Sayed Samser Alli, Add-QR. No. N.N.N-1, Rourkela-4, working as Farash, Office of Central Excise and Customs, Kalunga Range-II, Rourkela.

2. Mukat EKKA, aged about 25 years, S/o-Francis Ekka, Add-QR No. N.N.N.-1, Rourkela-4 working as Farash, Office of Central Excise & Customs, Kalunga Range-i, Rourkela.

3. Srikanta Ku. Barik, Aged about 27 years, S/o-Annam Ch. Barik, QR No. HN-5(788) Area, Rourkela-4, working as Farash, Office of the Central Excise & Customs, (Assistant Commissioner Central Excise & Customs,) Rourkela-I Division.

4. Kamalakanta Lenka, Aged about 23 years, S/o-Radjakanta Lenka, QR No. B/61, Sec.5, Rourkela-2, working as Farash, (Asst. Commissioner Central Excise & Customs), RSP-II, Range, Rourkela-I Division.

5. Umesh Chandra Tudu, aged about 28 years, S/o Jagar Tudu, C/o-Type-I/2, C.R. Colony, Rourkela-10, Working as Farash, Office of Asstt. Commissioner, Central Excise & Customs, Rourkela.

6. Jageswar Kumbhar, Aged about 28 years, S/o.Rath Kumbhar, C/o.Qr.No.C/15, working as Safewala Cum Farash Office of Central Excise and Customs, Rourkela Division No.11 Nayabazar, Rourkela-10.

7. Khaleswar Sahoo, 26 years, S/o.Mangule Sahoo, working as Farash, Office of Central Excise and Customs, Rourkela, Division II Rourkela-10.

8. Pabitra Kumar Panda, 24 years, S/o.Suryamani Panda, C/o.S/3R, 5/2 Kilinga Iron Works, Working as Farash, Office of Central Excise and Customs, Barbil Range, Matkanbeda, Barbil.

VS

9. Shaikh Reaz Uddin, 24 years, S/o. Shaikh Reyasat Uddin, working as Farash, Office of Central Excise and Customs, Rourkela Division II, Nayabazar, Rourkela-10.
10. Rashmi Ranjan Behera, 20 years, S/o. Rangadhar Behera, working as Farash, Office of Central Excise and Customs, RSP-I Range, Rourkela-II, B-61, Sector-5, Rourkela-II.
11. Krishna Ch. Lohar, 28 years, S/o. Ganesh Lohar, working as Safewala Cum Farash, Office of Central Excise and Customs, Rourkela-I Division, Rourkela-10.
12. Braja Kishore Mathan, 23 years, S/o. Banshidhar Mathan, working as Safewala Cum Farash, Office of Central Excise and Customs, Rourkela-I Division, Rourkela-10.

.... Applicants.

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- Versus -

1. Union of India represented through Secretary, Ministry of Finance, Central Board of Excise and Customs, North Block, New Delhi.
2. Commissioner-II, Office of the Central Excise and Custom, C.R. Building, Rajaswa Vihar, Bhubaneswar-4.
3. Asst. Commissioner-I, Office of the Central Excise and Custom, Nayabazar, Rourkela-10.
4. Asst. Commissioner-II, Central Excise and Customs, Nayabazar, Rourkela-10.

.... Respondents.

O.A.No.68/2000.

1. Ramakrushna Padhi, 26 years, S/o. Subash Ch. Padhi, C/o. I. Khan, Ty-I/47, C.R. Colony, Bhubaneswar-4, at present working as Casual Labourer Farash, Office of Central Excise and Customs, Bhubaneswar I&II Commissioner, Bhubaneswar.
2. Shyam Rai, Aged about 30 years, S/o. Dalbahadur Rai, C/o. U.K. Khadka, CR Colony, Bhubaneswar-4, At present working as Casual Labourer Chowkidar, Office of the Central Excise and Customs, Bhubaneswar-I&II Commissioner, Bhubaneswar.

.... Applicant.

- Vrs.-

1. Union of India represented through Secretary, Ministry of Finance, Central Board of Excise and Customs, North Block, New Delhi.
2. Commissioner-I & II, Central Excise and Customs, Ministry of Finance, CR Building, Rajaswa Vihar, Bhubaneswar-4.
3. Superintendent (Hqrs.), Commissioner I Central Excise and Customs, Bhubaneswar-4.
4. Supdt. (Hqrs.), Commissioner-II, Central Excise and Customs, Bhubaneswar-4.

... Respondents.

O.A.No.69/2000.

Banambar Lenka, S/o. Jhari Lenka, At-CR Colony, Bhubaneswar-4, At present working as Casual Labourer (Farash) Office of Asst. Commissioner, Central Excise and Customs, Bhubaneswar.

.... Applicant.

- Vrs. -

1. Union of India through Secretary, Ministry of Finance Central Board of Excise and Customs, North Block, New Delhi.
2. Commissioner-I, Central Excise and Customs, Ministry of Finance, CR Building, Rajaswa Vihar, Bhubaneswar-4.
3. Asst. Commissioner, Central Excise and Customs, Bhubaneswar Division, Bhubaneswar.

.... Respondents.

O.A. No. 70/2000.

1. Santosh Kumar Barik, 28 years, S/o. Krushna Chandra Barik, Plot No. A/50, C/o. Raymond Cement, Mancheswar, Bhubaneswar, at present working as Casual Labourer Farash, O/O. the Central Excise and Customs, Bhubaneswar-I & II Commissioner, Bhubaneswar.
2. Babuli Panigrahi, 27 years, S/o. Rama Chandra Panigrahi, C/o. B.B. Rath, IAS Retd., 170 Janapath, Bhubaneswar-9, at present working as Casual Labourer Farash, Office of Central Excise and Customs, Commissioner-I & II, Bhubaneswar.

3. Sanatan Dakua, 27 years, S/o. Magata Dakua, 6/34, M.I. Colony, Sahid Nagar, Bhubaneswar-10 At present working as Casual Labourer Farash, Office of Central Excise and Customs, Commissioner-I & II, Bhubaneswar-4.

..... Applicant.

- Versus -

1. Union of India represented through Secretary, Ministry of Finance, Central Board of Excise and Customs, North Block, New Delhi.
2. Commissioner, Central Excise and Customs, Bhubaneswar-I & II, Ministry of Finance, CR Building, Rajaswa Vihar, Bhubaneswar-4.
3. Superintendent (Hqrs.), O/O. Central Excise and Customs, Commissioner-I, Bhubaneswar-4.
4. Superintendent (Hqrs.), O/O. Central Excise and Customs, Commissioner-II, Bhubaneswar-4.

..... Respondents.

O.A. 71/2000.

Subash Chandra Naik, S/o. Alia Ch. Naik, Gangapatra, Khurda, At present working as Casual Labourer, Night watchman, O/C. Supdt. Central Excise Customs, Khurda Range, Khurda.

..... Applicant.

- Vrs. -

1. Union of India represented through Secretary, Ministry of Finance, Central Board of Excise and Customs, North Block, New Delhi.
2. Commissioner-I, Central Excise and Custom, Ministry of Finance, CR Building, Rajaswa Vihar, Bhubaneswar-4.
3. Supdt. Central Excise and Customs, Khurda Range, Khurda.

..... Respondents.

O.A.No. 72/2000.

Renubala Sahoo, W/o. Ranjan Kumar Pradhan, Qr. No. F. 3, Irrigation Colony, BJB Nagar, Bhubaneswar, at present working as Casual Labourer (Farash) O/O. the Asst. Commier, Central Excise and Customs, Bhubaneswar.

... Applicant.

1. Union of India through Secretary, Ministry of Finance, Central Board of Excise and Customs, North Block, New Delhi.
2. Commissioner-I, Central Excise and Customs, Ministry of Finance, CR Building, Rajaswa vihar, Bhubaneswar-4.
3. Asst. Commissioner, Central Excise and Customs, Bhubaneswar Division, Bhubaneswar.

... Respondents.

O.A.NO. 73/2000.

1. Surendra Kumar Rath, 28 years, S/o. Markhdeswar Rath, 4774-VSSNagar, Mancheswar, Bhubaneswar-2, at present working as Casual Labourer, Farash, Office of Central Excise and Customs, Bhubaneswar-I & II Commissioner, Bhubaneswar-4.
2. Krushna Chandra Bhoi, Aged about 21 years, S/o. Rama Chandra Bhoi, C/o. M. M. Mohapatra, Ty-II/46-CR Colony, Bhubaneswar-4 at present working as Casual Labourer, Mali Office of Central Excise and Customs, Commissioner-I, Bhubaneswar-4.
3. Ramesh Kumar Sahoo, 24 years, S/o. Jogeswar Sahoo, C/o. D. P. Jena, 243/5, Jarpara Jail Road, Santinagar, Bhubaneswar-6, at present working as Casual Labourer Farash, Office of Central Excise and Customs, Commissioner-I & II, Bhubaneswar-4.
4. S. A. Jahid, Aged about , S/o. S. A. Abdul Majid, C/o. S. A. Ramjan, at present working as Casual Labourer Cocker, Office of Central Excise and Customs, Commissioner I- & II, Bhubaneswar-4.

5.

.... Applicants.

- Versus -

1. Union of India represented through Secretary, Ministry of Finance, Central Board of Excise and Customs, North Block, New Delhi.
2. Commissioner-I & II, Central Excise and Customs, Ministry of Finance, CR Building, Rajaswa vihar, Bhubaneswar-4.
3. Superintendent (Hqrs.), C/o. Commissioner-I, Central Excise and Customs, Bhubaneswar-4.
4. Superintendent (Hqrs.), O/o. Commissioner-I, Central Excise and Customs, Bhubaneswar-4.

... Respondents.

19

O.A.No. 74/2000.

Dipti Ranjan Nayak, S/o. Kailash Ch. Nayak,
At- Qr. No. Ty-I/13, CR Colony, Bhubaneswar,
At present working as Casual Labourer
(Safaiwala), Office of Supdt., Central
Excise and Customs, Bhubaneswar-II, Range,
Bhubaneswar. Applicant.

- Vrs. -

1. Union of India through Secretary, Ministry of Finance, Central Board of Excise and Customs, North Block, New Delhi.
2. Commissioner-I, Central Excise and Customs, Ministry of Finance, CR Building, Rajaswa vihar, Bhubaneswar-4.
3. Superintendent, Central Excise and Customs, Bhubaneswar-II Range, Bhubaneswar.

... Respondents.

O.A.No. 75/2000.

Ajit Kumar Prusty, S/o. Sanatan Prusty, At Qr No. 5-3/1614, Niladri Vihar, Bhubaneswar-21,
At present working as Casual Labourer (Farash),
O/O. Supdt. Central Excise and Customs,
Bhubaneswar-II, Range, Bhubaneswar.

... Applicant.

- Vrs. -

1. Union of India through Secretary, Ministry of Finance, Central Board of Excise and Customs, North Block, New Delhi.
2. Commissioner-I, Central Excise and Customs, Ministry of Finance, CR Building, Rajaswa vihar, Bhubaneswar-4.
3. Superintendent, Central Excise and Customs, Bhubaneswar-II, Range, Bhubaneswar.

.... Respondents.

O.A.No. 76/2000.

1. Gadadhar Sahoo, Aged about 30 years, S/o. Bansidhar Sahoo, M-131-Rachika Market, Baramunda Housing Board Colony, Bhubaneswar now working as Mali.

16

2. Smt. Rebati Jena, 27 years, w/o. Mayadhar Jena, At/Po: Jaganathpur, via-Balianta, Dist. Khurda, now working as Safaiwala.
3. Madhusudan Das Aged about 32 years, S/o. Puranadra Das, 604-Housing Board, Dumduma, Bhubaneswar. Now working as Mali
4. Ashok Kumar Sangatira, Aged about 26 years, S/o. Damodara Sangatira, Harchandi Sahi, Old Town, Bhubaneswar, now working as Chowkidar.
5. Krushna Chandra Behera, Aged about 23 years, S/o. Hazari Behera, At/Po: Jaganathpur, via-Balianta, Dist. Khurda, now working as Safaiwala.
6. Rabindra Kumar Behera, Aged about 20 years, S/o. Jogendra Behera, Kalinga Nagar (Near-II Postal Colony,) Patharbandha, Bhubaneswar now working as Mali.
7. Rajkumar Biswal, Aged about 19 years, S/o. Bramhananda Biswal, C/o. D.N. Biswal, CR Colony, Bhubaneswar-4, now working as Mali.
8. Ranjan Kumar Mallick, Aged about 20 years, S/o. Bhagaban Mall ick, C/o. P.K. Swain, Plot No. 9, Satyanagar Bhubaneswar, now working as Farash.
9. Sarat Chandra Behera, Aged about 21 years, S/o. Ganeshwar Behera, C/o. P.K. Rout, 429, Sahidnagar, Bhubaneswar, now working as Cooker G. House.
10. Susanta Kumar Barik, 31 years, S/o. Bhagyadhar Barik, MIG -II, Block No. 1/1, BDA Colony, Chandrasekhar pur, Bhubaneswar, now working as Cooker G. House.

All the applicants are working in the Office of the Asst. Commissioner, Central Excise and Customs, Bhubaneswar.

... Applicants.

- Vrs.-

1. Union of India through Secretary, Ministry of Finance, Central Board of Excise and Customs, North Block, New Delhi.
2. Commissioner-I, Central Excise and Customs, Ministry of Finance, CR Building, Rajaswa Bihar, Bhubaneswar-3, Khurda.
3. Asst. Commissioner, Central Excise and Customs, Bhubaneswar Division, Bhubaneswar, Khurda.

... Respondents.

By the Advocate for the Applicant
in all the above cases.

: M/s. C.R.Mishra, G.Mishra,
T.K.Misra, D.Das,
Advocates.

For the Respondents.

: Mr.A.K.Bose,
Sr.St.Counsel(Central).

O R D E R
(ORAL)

MR. MANORANJAN MOHANTY, MEMBER(JUDICIAL) :

I have heard Shri T.K.Mishra, Learned Counsel for the Applicant and Shri A.K.Bose, Learned Senior Standing Counsel (Central) appearing for the Respondents in all these cases separately. Since common question of law and fact involved in these cases, for the convenient, all these Original Applications are disposed of in this common order.

2. In all these cases, the Applicants have claimed to have been engaged on Casual basis in Central Excise organisation. Their claim is thatdespite their long continuance as Casual labourers, they have not yet been given the temporary status. Once temporary status is given, they can have a better claim to be regularised in Gr.'D' posts. Having heard Advocate for the Applicants and Learned Senior Standing Counsel Mr.Bose for the Respondents, all the Original Applications are disposed of with a direction to the Respondents, to examine the case of each of the Applicants as to whether they are eligible to get the temporary

status and, if so, to treat them as temporary status casual workers from the dates when they completed 240 days in a calendar year and maintain their seniority. Direction is hereby further given to the Respondents to test them suitably as and when required and absorb them in regular establishment in Gr.'D' posts suitably. The exercise, at the first instance, to take them as temporary status casual workers/confer them temporary status should be completed within three months hence.

3. All the Original Applications are disposed of accordingly.

Manoranjan Mohanty
(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)

07/03/2002