

ORDER Dt.30.07.2003

Applicants, seven in number, were engaged in the canteen of the office of the Regional Provident Fund Commissioner (Orissa), Bhubaneswar. By filing Original Application Numbers 81 and 82 of 1995, they approached this Tribunal (under section-19 of the Administrative Tribunals' Act, 1985) seeking certain service benefits ; including the prayer for a direction to the Respondents for regularisation of their services. During the pendency of those Original Applications, a scheme was floated ; in pursuance to which the services of the Applicants were asked to be regularised notionally with effect from October, 1991 and effectively with effect from 02.02.1995. Accordingly, both the Original Applications were disposed of, on 11.08.2000, with direction to the Respondents to regularise the services of the Applicants with effect from 02.02.1995. Said orders of this Tribunal have already been worked out and all the seven Applicants were continuing in service in the canteen of the Regional Provident Commissioner (Orissa), Bhubaneswar.

2. During pendency of the aforesaid Original Applications, the services of the Applicants were sought to be retrenched on 31.03.1995; but for the reasons of the interim orders passed, from time to time, in these Original Applications of 1995, the Applicants were allowed to continue in service and to draw their wages regularly from April, 1995 till August, 1997.

3. The entire amount paid during the entire period from August, 1995 till end of August, 1997 to all the seven Applicants herein having been asked to be recovered from them, they have filed the present Original Application No.68/2001 under Section-19 of the Administrative Tribunals' Act, 1985. Counters have been filed in this case by the Respondents and rejoinders have also been filed by the Applicants.

4. Heard Mr. K.C.Kanungo, learned counsel for the Applicants and Mr. Ashok Mohanty, learned Senior counsel for the Respondents.

28/07/03
P.T.O.

O.A.No.68/2001

ORDER DT.30.07.2003

5. Since the Applicants were paid wages for the period from April, 1995 to August, 1997 (both the months inclusive), for the reason of interim orders of this Tribunal; which has merged with the final orders dt.11.08.2002 (rendered in O.A. No.81/95) affirmatively (wherein regularisation of the services of the Applicants were asked to take effect from 02.02.1995 and which has been accepted by the Respondents by regularising the services of the Applicants with effect from 02.02.1995) nothing really is available to be recovered from the Applicants; because of the regularisation order has taken effect from 02.02.1995. Accordingly, the direction of the Respondents under Annexure-11 (to recover the wages paid to the Applicants from April, 1995 to August, 1997) is hereby quashed with declaration that nothing, which has been paid to the Applicants as wages from April, 1995 to August, 1997 under the judicial interim orders, is available to be recovered and, therefore, this Original Application is allowed however, by asking both the parties to bear their own costs.

AFR

M. R. MOHANTY
30/07/03
MEMBER (JUDICIAL)