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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

O.A. No. 37 of 2001

Present : Hon'ble Mr. B.N. Sasmal, Vice-Chairman
Hon'ble Mr. Justice B.Panigrahi, Vice-Chairman

KAMALAKANTA NAIK & ORS

VS

1. Union of India through the Secretary, M/oF Defence, New Delhi
2. Chief of the Naval Staff, Naval Headquarters, New Delhi.
3. The Flag Officer Commanding-in-Chief, Headquarters, Eastern Naval Command, Visakhapatnam
4. The Commanding Officer, INS Chilka, P.O. Chilka, Dist. Khurda
5. The Naval Armament Inspecting Officer, Naval Armament Inspectorate, Sunabeda, Dist. Keonjhar, Orissa.

Respondents :::::

For the applicants : None

For the respondents : Mr. U.B.Mahapatra, Counsel

Heard on : 6.2.04 : Order on : 6.2.04

O R D E R

B.Panigrahi, J (V.C.) :

None appears for the applicants. Ld. counsel for the respondents is present.

2. In this case the applicants have claimed regularisation of their services from the dates when they initially joined as casual labourers. The respondents in their counter have stated that all the applicants have been regularised from the dates when regular vacancies were available.

3. The only question arises for our consideration is whether the applicants should be regularised from the date of their initial engagement as casual labourers or from the date when regular vacancies were available.

4. The aforesaid question had crept up before different Benches of the Tribunal and it was finally resolved by the Hon'ble Supreme Court in Civil Appeal No. 9922 of 1995. It is crystal clear from the aforesaid decision of the Apex Court that regularisation shall be effective from the date when permanent vacancy will be available in the Deptt. An identical question also came up before this Bench in O.A. 158 of 1995 which was disposed of on 21.1.98 whereby and whereunder a direction was issued for regularisation of the applicants therein not from the date of initial engagement on casual basis but from the date when regular vacancies were available in the Deptt.

5. In that view of the matter, there is nothing left to be considered in this case save and except following the directive of the Hon'ble Apex Court as well as the decision of this Bench in O.A. 158 of 1995.

6. Accordingly, the application is disposed of without any order as to costs.



(B. N. SCM)
VICE - CHAIRMAN



(B. PANIGRAHI)
VICE-CHAIRMAN