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O.A. No. 164/03

ORDER DATED 23rd JUNE, 2008

Coram:

Hon'ble Mr. Justice K. Thankappan, Member (J)

Hon'ble Mr. C.R. Mohapatra, Member (A)

The applicant files this Original Application with the following prayers:-

"to admit the Original Application, issue notice to the Respondents as to why the Original Application shall not be allowed and if the Respondents fail to show cause or show insufficient cause direct them to regularize the services of the applicant as a Tabulator or in any other appropriate post from the date of due with all service benefits.

And for this act of kindness the applicant as in duty bound shall ever pray."

2. The applicant claims that he was appointed as Tabulator in the Office of the Deputy Director of Census Operation, Regional Office at Sambalpur. The applicant also filed one experience certificate (Annexure-A/1) issued by the Deputy Director of Census Operation Orissa, Sambalpur. On the basis of the above certificate, it is a fact that he was employed as Tabulator on temporary basis for the year 1981-82 and he had worked from 08.04.1981 to 28.02.1982. The applicant claims that his service shall be regularized.

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3. Though the application has been filed during 2003 this matter has not been finally disposed of by this Tribunal. Though notices were served on the Respondents no counter has been filed till today. ~~However,~~ Neither the applicant nor the Ld. Counsel for the applicant is present before this Tribunal. Mr. B.N. Udgata, Ld. Additional Standing Counsel for the Respondents appears and on instruction which ~~we~~ had received, submits that the applicant was a temporary employee as Tabulator in the Office of the Deputy Director of Census Operation, Regional Office at Sambalpur w.e.f. 08.04.1981 and the applicant attended the work from that period up to 28.02.1982. Mr. Udgata further submits that the applicant is not even continuing in service in the Department, as he claims.

4. After having considered the grounds urged in this O.A. and the documents furnished and on hearing the Ld. Counsel for the Respondents, we are satisfied that the applicant has not established any case in favour of him to allow the O.A. Admittedly the applicant was, on temporary basis working as Tabulator in the Office of the Deputy Director of Census Operation, Regional Office at Sambalpur, for the period from 1981-82 and worked till 28.02.1982. The applicant has not produced any appointment letter as such he claims. However, it is seen from Annexure-A/1 the experience certificate that the applicant had worked for the period he was appointed. Hence it is clear that the applicant was appointed and there was no

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evidence or any document to show that the applicant was continued in service after 28.02.1982 and there is no ground to allow this O.A. Hence we are of the view that this O.A is meritless and accordingly dismissed. No order as to costs.

Member(A)

MEMBER (J)