



FORM No. - 4
See Rule (12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

ORDER SHEET

Original
Application No. 1321 of 200 3
Applicant (s) Pitha Murmu Respondent (s) Union of India & Ors
Advocate for Applicant (s) Mr. Akhyaya K. Mishra Advocate for Respondent(s) Mr. S. B. Jena
(CR-1205)

NOTES OF THE REGISTRY

G.P.O. for Rs. 50/- filed.
For Registration. To be
taken today as per Court
Memo.

mentioned for 31.12.03

DR
S.O. (J)

S.O. (J)

DR
31.12.03

DR

31.12.03

ORDERS OF THE TRIBUNAL

REGIS

DR 31.12.03.

1. ORDER DATED 31.12.2003.

Applicant has claimed that he was engaged as Casual Labourer under the Respondents in Telecom Department of Government of India. In this case that while taking steps to regularise the left out Casual Labourers, the case of the Applicant has not received due consideration (of the Respondents) discriminatorily.

2. It appears from Annexure-A/4 dated 15.10.2003 of the Original Application that it

has already been decided to regularise few left-out Casual Labourers. It appears that out of 1437 Casual Labourers identified, only 455 Casual Labourers are going to be regularised for which their bio-datas were called for (under Annexure-A/4 dated 15.10.2003) to be furnished by 31.10.2003. Taking clue from this Mr. Akhaya Kumar Mishra, Learned Counsel appearing for the Applicant states that expeditious steps are being taken to regularise 455 Casual Labourers by unjustly ignoring the cases of the Applicant; who has placed on record few materials to substantiate his case as made out in this Original Application under section 19 of the Administrative Tribunals Act, 1985.

3. It is also the case of the Applicant that he has represented to the Authorities for redressal of his grievance and that, without paying any heed to his case/grievance, expeditious steps are being taken surreptitiously to regularise a few casual labourers. To state in nut-shell, gross mala fides have been alleged in this case.

4. In the aforesaid premises, without waisting any time to examine this case, the same is hereby disposed of requiring the Respondents to examine (and if required by re-examining) the case of the Applicant, herein (even by giving him personal hearing with reference to records) before proceeding to regularise any of the left-out Casual

OA 1321/03

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Labourers. It is, however, made clear that without examining (re-examining) the case of the Applicant and intimating him the result, thereof, the Respondents should not give any finality to the matter relating to the regularisation of left-out Casual Labourers.

5. With the aforesaid observations and directions this case is disposed of; by granting liberty to the Applicant to furnish details (including all details) as required in the letter dated 15.10.2003 about himself (to the Respondents) in order to substantiate his case; in shape of representation by 09.01.2004. Send copies of this order to the Respondents alongwith copies of this O.A., and free copies of this order be given to learned counsel appearing for the Applicant and Mr. S.B. Jena, learned Additional Standing Counsel; for the Union of India; on whom a copy of this O.A. has already been served.

MEMBER (JUDICIAL)

Copy of order
dt. 31/12/03 a/w
on copy issued
to all the respondents
by posts. The
same copy of
order issued to
the counsel for
both side.

MS
8/1/04

on memo.

2) M.A. 272/04 filed
by ~~Mr.~~ Mr. S.B. Jena, ASL
for modification
of order. Copy not
served.

3) Appearance memo
by A.S.C. not filed.

MS
31/3/04

Bench

1.4.04

Let copy of M.A. be served on
the applicant and the matter may
come up before after for consideration.

Verma
Hemant (S)