



FORM No. - 4
See Rule (12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

ORDER SHEET

Original Application No. 1469 of 2003
Applicant (s) Raghunath Nayak Respondent (s) Union of Indra & Or.
Advocate for Applicant (s) Mr. Akhyaya K. Mishra Advocate for Respondent(s).....

NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL
<p>g.p.o. for Re. 50/- fixed. for consideration as per Court memo to be taken on 31.12.03.</p> <p>DR 31.12.03 Mention for 31.12.03 S.O. (J) 31.12.03</p> <p>DR pl. place before Bench with defect. 31.12.03</p> <p>co. (J)</p>	<p><u>1. ORDER DATED 31.12.2003.</u></p> <p>Perused the Office note. Heard learned Counsel for the Applicant. Learned Counsel for the Applicant undertakes to remove the defects by course of the day. In view of the undertakings, this O.A. be registered and a number be given.</p> <p>Member (Judicial)</p> <p><u>2. ORDER DATED 31.12.2003.</u></p> <p>Applicant has claimed that he was engaged as Casual Labourer under the Respondents in Telecom Department of Govt. of India. It is his case that while taking</p>

steps to regularise the left-out Casual Labourers, the case of the Applicant had 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 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 O.A U/s.19 of the AT, 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

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(even by giving him personal hearing with reference to the records) before proceeding to regularise any of the left-out casual 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 dt. 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. Anup Kumar Bose, learned Senior Standing Counsel for the Union of India on whom a copy of this O.A. has already been served.

Member (Judicial)

5.4.04

~~Call on 22-04-04 for consideration of M.A. 264/04. Copy of M.A. is sent to have been served on the other side.~~

Vice-Chairman

Member (C)

Copy of order
dt. 31/12/03 issued
to the Counsel
for both side.

5.4.04

9/1/04

Copy of order
dt. 21.12.03 with
copy of OA sent
to all respds.

21/1/04

5.4.04

on Memo

MA 265/04 for
modification of
order. Copy not
served. App. memo
for the case not filed.
2/4 Brief