



FORM No. - 4
See Rule (12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

ORDER SHEET

Original Application No. 263 of 2004
Applicant (s) Anadi Das Respondent (s) Union of India & Ors.
Advocate for Applicant (s) Mr. N. R. Routray Advocate for Respondent(s) _____

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

9.10.04 for Rs. 50/- to Mr.
For Registration Pl.
Memo

8/6/04

8/6/04

Register

Phan Register &
list the matter on
24-6-04.

50(5)

8/6/04

order above

In view of court memo, we
may put up the case before the
Bench.

REGISTER

8/6/04

1. ORDER DATED 09.06.2004.

Applicant, Anadi Das, claims to have
• been engaged as a Casual Bridge Khalasi w.e.f.
30.1.1970 and that one Budhi Swain was
engaged as such w.e.f. 4.8.72. It is the case
of the Applicant that both of them were
given temporary status w.e.f. 1.4.1981 and
that the Applicant was brought over to the
regular establishment w.e.f. 1.4.84. In the
present O.A. he claims for a direction to the

He has put up before the
Bench for 9/6/04
8/6/04

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

For Adm. & Intern. Order - Copy Served.

Mr. N. 9.6.04

copies of order/

copies of OA sent to all resp'ts.

copies of order prepared for counsels for both side.

22/6

23/6/94

Respondents to treat him to be in the regular establishment w.e.f. 1.4.1973. While claiming the said benefits, the applicant states that Budhi Swain (who was taken to temporary establishment w.e.f. 1.4.1981 and later on, ^{was} taken to regular establishment) has also been given the retrospective regularisation benefits w.e.f. 1973, on the strength of a judgment dated 31st July, 2000 rendered in OA No. 494 of 1994. Mr. N. R. Routray, learned counsel for the Applicant states that the Respondents Department/Railways should also extend the benefits of the judgment dated 31.7.2000 of this Tribunal rendered in OA No. 494 of 1994 of Budhi Swain to him. In order to remove the discrimination, Mr. Routray, learned counsel for the Applicant also relied upon the judgment of the Hon'ble Supreme Court (rendered in the case of K. C. Sharma and others Vs. Union of India, and others ^{and} reported in (1997) 6 Supreme Court Cases 721) wherein delay has been stated to be of no adverse consequence for implementation of a judgment in respect of those who did not approach the Court.

A copy of this O.A. has already been served on Mr. P. C. Panda, learned Addl. Standing Counsel for the Railways. Having given preliminary hearing to the counsel appearing for both sides, this O.A. is disposed of with direction to the Respondents to examine the grievance of the Applicant in

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the light of the judgment of this Tribunal rendered in O.A.No.494 of 1994(Budhi Swain Vrs. UOI and others) and while doing so they should keep in mind the verdict of the Hon'ble Apex Court of India rendered in the case of K.C.Sharma and others (supra) and pass necessary consequential orders, in order to remove the discrimination, within a period of ninety days from the date of receipt of a copy of this order.

Send copies of this order to the Respondents, alongwith copies of the O.A., and free copies of this order be given to learned counsel for both sides.

Javel
MEMBER (JUDICIAL)
09/06/04