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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 630 OF 2004
CUTTACK, THIS THE 2nd DAY OF MARCH, 2005

Amarendra Pattnaik ..... Applicant

Vs

Union of India & Others ..... Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not ? No

2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? No

02/03/05

(M.R.MOHANTY)
MEMBER(JUDICIAL)

(B.N.SOM)
VICE-CHAIRMAN

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ORIGINAL APPLICATION NO. 630 OF 2004

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CORAM :

HON'BLE SHRI B.N.SOM, VICE-CHAIRMAN

AND

HON'BLE SHRI M.R.MOHANTY, MEMBER(J)

.....

Shri Amarendra Pattnaik, aged about 34 years, S/o. Rankanidhi Pattnaik, Qr. No. 248/LIG, Housing Board, Charbatia, P.S.-Choudwar, Dist-Cuttack,

..... Applicant.

By the Advocates - M/s. A.K.Misra-2, B.B.Behera, S.Bahadur, D.Behuray.

VERSUS

1. Union of India, represented through, The Cabinet Secretary Cabinet Secretariat, Room No. 8, E.South Block, New Delhi.
2. The Special Secretary, Aviation Research Centre, East Block-5, Level VRK Puram, New Delhi-110066.
3. The Deputy Director, Aviation Research Centre, Charbatia, Dist.-Cuttack.

..... Respondents.

By the Advocate - Mr. S.K.Patra(ASC).

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ORDER

SHRI B.N.SOM, VICE-CHAIRMAN

Shri Amarendra Pattnaik, a disengaged helper of erstwhile Car Project under Aviation Research Centre (ARC in short), Charbatia, has filed this O.A. under Section 19 of the Administrative Tribunal Act, 1985 with a prayer to issue direction to the Respondents to absorb him in suitable post in pursuance to the order of the High Court of Orissa passed in O.J.C. No. 1495/99 and to fix up his seniority after his engagement.

2. This application is arising out of the decision dated 21.11.2000, passed in Writ Petition referred to above. In the normal course, the applicant should have approach the Hon'ble High Court for redressal of his grievance. It is not for this Tribunal to ensure execution of the order passed by the Hon'ble High Court. In the circumstances, we should have dispose of this O.A. with the order that the applicant should agitate the matter before the appropriate forum under the law available to him. However, having regard to the plight of the applicant, we do not want to put him into lurch. It was for his Ld. Counsel to have helped him to find out appropriate remedy. Be that as it may, we will quickly go through his grievance and issue appropriate direction to the Respondents.

3. The Hon'ble High Court while disposing of the Writ Petition, O.J.C. No. 1495/99 had ordered that the petitioners in that Writ Petition if they were otherwise found

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suitable with due weightage to their experience, they should be absorbed against vacant post available with them and the same benefit to be extended to "other casual labourers in the organization". The Respondent organization had delayed the implementation of this order which resulted in filing an Original Criminal Miscellaneous Case by the applicants in the Writ Petition, Misc. Case No. 173/02 which was disposed of by the Hon'ble High Court on 23.2.04 as follows :

> "We dispose of this application by directing the opposite parties, to consider the cases of the petitioners for appointment and appoint the petitioners to any Group-D post as available now and for future vacancies, keeping in view the observation of this Court.....within a period of three months from the date of communication of this order."

4. It is the admitted fact that the petitioner was not a party before the Hon'ble High Court either in the Writ Petition or in the Original Criminal Misc. Case. By filing this O.A. he has pointed out that although, he was not party to the Writ Petition, the Hon'ble High Court while granting total relief to the petitioners had also directed the Respondents to absorb other casual labourers in the organization who were not party to the Writ Petition. Therefore, the plea of the Respondent Department that the applicant, having not been party in the Writ Petition, was not entitled to the benefit of the decision of the High Court is erroneous.

5. We have heard the Ld. Counsel for the applicant as well as the Ld. Additional Standing Counsel and have

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perused the records placed before us.

6. Having perused the order of the Hon'ble High Court, we have no doubt that the order of the High Court covered all the casual labourers who have been disengaged as casual workers. In other words, the judgement of the High Court was in-rem, and, therefore, the benefit of regularization can not be denied to the applicant who was also undisputedly one of the retrenched labourers of the Car Project.

7. We, therefore, direct the applicant to file a representation before the Respondents that they are also entitled under law to the benefit of the order of the High Court in the Writ Petition referred to above and that his case for regularization should be considered as they have done for the petitioners who had appeared before the High Court. We also exhort the Respondents to examine the merit of the representation of the applicant as and when the same is placed before them in proper perspective and steer clear ~~of~~ of unnecessary litigation.

8. With the above direction and observation this O.A. is disposed of. No costs.

02/03/05

(M.R.MOHANTY)
MEMBER(JUDICIAL)

(B.N.SOM)
VICE-CHAIRMAN

RK/SD