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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 516 OF 2002
Cuttack this the 12th day of June, 2002

Dulal Mohanty

.....

Applicant(s)

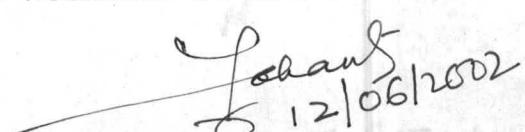
-VERSUS-

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 ?


(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.516 of 2002
Cuttack this the 12th day of June, 2002

CORAM:

THE HON"BLE SHRI MANORANJAN MOHANTY, MEMBER(JUDICIAL)

Dulal Mohanty, aged 34 years,
S/o. Dharanidhar Mohanty of
Vill : Kania, PO : Balikuda,
Dist : JagatsinghpurApplicant

By the Advocates

Mr. T. Rath

-Versus-

1. Union of India represented through its Secretary to Govt. of India in the Ministry of Home Affairs, Department of Official Language, New Delhi.
2. Director, Central Hindi Training Institute, Department of Official Language, 7th Floor, Paryabvaran Bhawan, C.G.O. Complex, Lodhi Road, New Delhi.
3. Deputy Director, Hindi Teaching Scheme, Eastern Zone, Department of Official Language, Nizam Palace, 18th Floor, 234/4, Acharya Jagadish Chandra Bose Road, Kolkata-700020
4. Officer-in-Overall Charge, Hindi Teaching Scheme, Department of Official Language, Ministry of Home Affairs, 15, Cantonment Road, Cuttack.

.....Respondents

By the Advocates

Mr. B. Das
A.S.C.

ORDER

MR. MANORANJAN MOHANTY, MEMBER(JUDICIAL):

On being

selected, the Applicant was engaged as Hindi Pradhyapak at Sundbeda (Orissa) from 4.8.1993 to 30.11.1993 and from 4.7.1994 to 30.11.1994 at Bhubaneswar. On facing

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disengagement, the present applicant approached this Tribunal in Original Application No. 674/1994 and obtained an interim direction (M.A.No.149/95) on 4.5.1995; on the strength of which he was allowed to work at Cuttack from 29.5.1995 to 30.11.1995. When steps were taken to disengage him, the Applicant again filed M.A. NO.841/95 and obtained another interim order dated 7.12.1995; on the strength of which he continued to serve as Hindi Pradhyapak till February, 1998.

The aforesaid Original Application (O.A.No.674/94) was disposed of on 12.12.2000, with the following directions.

"In view of the above and in view of the decision of the Principal Bench in Smt. Mithlesh Tyagi's case (supra), the respondents are directed that in case the respondents fill up any post of Hindi Pradhyapak through ad hoc appointment anywhere in Orissa, then they should consider the petitioner for such ad hoc appointment in view of his earlier selection by the Department and his period of service as ad hoc Hindi Pradhyapak. The respondents are also directed to sponsor the name of the applicant to Staff Selection Commission for their next examination in which the applicant should be given age relaxation upto 35 years as applicable to Government servants who apply for the post of Hindi Pradhyapak under direct recruitment quota in accordance with column 6 of the Recruitment Rules at Annexure-R/2. We also direct that in case the applicant is continuing as ad hoc Hindi Pradhyapak, then he should be continued till he is replaced by a regular candidate selected by the Staff Selection Commission". (Emphasis is ours)

The Advocate for the Applicant states that because of non-availability of vacancy in the State of Orissa, the



applicant has not yet been given any engagement. It is stated by him that the judgment in the aforesaid O.A. NO. 674/94 was rendered basing on an identical matter in the case of Smt. Mithilesh Tyagi(O.A.No.2234/90) of the Principal Bench) wherein the following directions were given.

"We, however, make it clear that in case any vacancy in the post of Hindi Pradhyapak exists anywhere in India, the respondents shall consider appointing the applicant in such vacancy if she is willing to accept the same and till she is replaced by a regular incumbent nominated by the Staff Selection Commission." (Emphasis is ours)

The Advocate for the Applicant states that vacancies are available in different parts of India/outside Orissa in the rank of Hindi Pradhyapak and the Applicant is willing to accept the same; for which the respondents should be directed to give due consideration to his case.

In the aforesaid premises, having heard Shri T.Rath, Advocate for the Applicant and Shri B.Das, Addl. Standing Counsel (on whom a copy of O.A. has been served), it is directed that in case any vacancy in the post of Hindi Pradhyapak exists anywhere in India, the Respondents should consider appointing the Applicant (since he is willing to accept the same) as Hindi Pradhyapak. The respondents should act

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promptly in giving an engagement to the Applicant as Hindi
Pradhyapak, at any place/in any part of the Country,
preferably within a period of three months from the date of
receipt of copies of this order.

This Original Application, as per observations and
directions made above, is disposed of at the admission stage
itself, but without any order as to costs.

Manoranjan Mohanty
12/06/2002

MANORANJAN MOHANTY

MEMBER (JUDICIAL)

B.K.SAHOO/C.M.