

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH
CUTTACK

O.A. 581/2002

Date of order: 25.05.2004

Present : Hon'ble Mr. Justice B. Panigrahi, Vice-Chairman.
Hon'ble Mr. H.P. Das, Administrative Member.

Amulya Kumar Jena

-versus-

Union of India and Ors.

For the applicants : None.

For the respondents : Mr. S.B. Jena, counsel.

O R D E R

Per Justice B. Panigrahi, VC

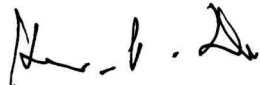
None has appeared for the applicant on call. Ld. counsel for the respondents is, however, present. After hearing him and on going through the records, we are of the opinion that the case can be disposed of even in the absence of applicant. Accordingly, we proceed to do so.

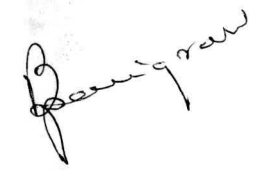
2. The applicant was originally appointed on daily wage basis as a Night Watchman in the S.C.B. Medical College Post Office w.e.f. 1.7.1986. Prior to his engagement as Night Watchman, he served for long time in different post offices on daily wage basis. Despite that he was not regularised, therefore, he has filed a case before this Tribunal in which a direction was given to the respondents to consider the applicant's case and regularise his service in any other suitable post. Therefore, the respondents taking a sympathetic attitude appointed him as ED Packer of Madhupatna S.O. But the applicant without being satisfied with the aforesaid job, in this case has further claimed for regularisation in a Group D post.

3. Mr. Jena, ld. counsel appearing for the respondents has invited our attention that for giving appointment against a Group D post there are certain Recruitment rules and the respondent authorities cannot give any appointment de-hors such rules. Of course, it is open to the applicant to compete with other eligible candidates and if he is found suitable, his case can be considered for such Gr. D post. We find aforesaid submission of the ld. counsel is well founded.

4. Accordingly, we do not find any merit in the application for issuing a direction to the respondents to regularise him in any Group D post. But it is open to him to submit an application in case any vacancy in Group D post arises and if the respondents find the applicant to be eligible in the said post, they can consider his case for appointment in accordance with the rules.

5. With the above observation, the application is dismissed.
No costs.


Member (A)


Vice-Chairman.