

Order Dated 25.04.2008

Coram : Hon'ble Shri C.R. Mohapatra, Member(A)

Heard. M.A. No.230/2008 for permission to prosecute this case jointly by 05 applicants is allowed.

2. Heard Mr. D.K. Mohanty, Ld. Counsel appearing for the applicant and Mr. U.B. Mohapatra, Ld. Sr. Standing Counsel appearing for the Respondents.

3. Mr. Mohanty, submits that the applicants had been working as Seasonal Khalasi since 1974 and the Applicant No.1 was appointed on ad-hoc basis as Khalasi w.e.f. 13.04.1998 (Annexure-A/1). Subsequently based on the direction issued by this Tribunal in O.A. No.900/05 of order dated 21.09.2006 the Applicant No.1 along with six others were regularized on the same post w.e.f. 18.11.2006. The applicants claim that the regularization should take effect from 13.04.1998 the day they joined as ad-hoc Khalasi. The applicants while filing this Original Application have not produced any document to show that there are six other persons similarly placed who are stated to be junior to them nor have they placed on record any document to show that those persons have been regularized and their regularization is with retrospective effect. The Ld. Counsel for the applicants submits that a representation was submitted by the Applicant No.1 sometime in June, 2007 and the same is yet to be decided by the competent authority.

L

4. Mr. Mohapatra submits that he has been served with a copy of this Original Application. He says that the order of this Tribunal dated 21.09.2006 has since been implemented and the individuals who have been regularized consequent to this order was because of the fact that there were regular vacancies available at the relevant time. So, as and when regular vacancies will arise such type of adhoc employees with temporary status will get regularized. Hence there is no ground to allow antedating the regular service of the applicant.

5. In view of the above, this Original Application stands disposed of with a direction that the representation may be considered by the appropriate authority and a reasoned order be communicated to the applicants within a period of 03 months from the date of receipt of the copy of this order.

6. Copy of this order along with copy of this O.A may be sent to Respondents and free copy of this order be given to Ld. Counsel appearing for both the parties.

~~Member (A)~~