

6
O.A. No.78 of 2008

Narendra Kumar Parida ... Applicant
Versus
UOI & Ors. ... Respondents

Order dated 13th October, 2009.

C O R A M

THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (A)

.....

The grievance of the Applicant in this Original Application is to direct the Respondents to regularize his services in any Group D/ED post taking into consideration his continued service as a daily rated employee since 1984. Respondents by filing counter opposed the contentions raised by the Applicant in his Original Application in support of the above relief. However, no rejoinder has been filed by the Applicant. Heard rival submission of both the Learned Counsel and perused the materials placed on record.

2. It reveals from the record that this is the fifth round of litigation filed by the Applicant seeking same relief of regularization. It is the case of the Respondents that the appointment of the applicant was not through any regular process of selection. This was also not disputed by the Applicant through any concrete proof nor even by filing any rejoinder. In view of the above by relying on the Constitution Bench decision of the Hon'ble Apex Court in the case of **Secretary, State of Karnataka and Others v Uma Devi and others**, 2006 SCC (L&S) 753, I find no force in the contention of the Applicant so

1

as to direct the Respondents to regularize the services of the Applicant. At the same time relying on the decision **SI Rooplal and others v. Lt. Governor through Chief Secretary Delhi and others**, (2000) 1 SCC 644, I am bound by the earlier decision dated 04.01.2002 in OA No. 340 of 1997 of this Tribunal and it is reiterated that in case the applicant applies for any ED post and in case he has the minimum qualification for the post applied for, then his case should be considered by the respondents along with others strictly in accordance with the circular of the DGP&T dated 06.06.1988 by giving due weightage to his past experience.

3. In the light of the discussions made above, this OA stands disposed of. No costs.


(C.R. Mohapatra)
Member (Admn.)