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O.A. No. 132/09

ORDER DATED 9th APRIL, 2009

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

Heard Mr. S.K. Ojha, Ld. Counsel on behalf of Ms.
Mitali Jesthi, Ld. Counsel for the applicant and Mr. D.K.
Behera, Ld. Addl. Standing Counsel for the Respondents.

2. The prayer of the applicant in this O.A. is to
direct the Respondents to regulrise the adhoc period of service
from 10.04.90 upto 28.07.91, during which period he worked
as Superintendent of Salt in the absence of regular incumbent.
It is the specific case of the applicant is that his abhoc
promotion was followed by regular promotion vide Annexure-
A/5. The applicant has also quoted a decision of the Central
Administrative Tribunal Madras Bench in O.A No.899/90 dated
07.09.92, whereunder certain reliefs were granted to similarly
placed persons. It seems the matter is taken to DOP&T after
the Respondents were satisfied that the applicant had
established his case for regularisaion. However, the DOP&T
has not accepted it. As it would be seen from Para 2 of

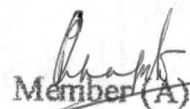Annexure-A/13, where the main ground before DOP&T is as follows:-

> " ....Besides, there was no formal order for discharging the duties by Shri Mahapatra to the post of Superintendent of Salt which could establish that Mahapatra had been working to that posts"

This assertion of the DOP&T does not seem to be correct. Further Annexure-A/15 is a non-speaking order issued by the Respondents.

3. In the light of the above it is necessary that the respondents should consider/re-consider the representation of the applicant at Annexure-A/14 and pass a detailed speaking order taking into account all the facts available in the records within a period of 03 (three) months from the date of the receipt of this order.

Accordingly this Original Application is disposed of at the admission stage itself, without expressing any opinion on the merit of the matter.

4. Send copies of this order along with copy of the O.A to Respondents for compliance & free copy of this order be given to Ld. Counsel for both sides.

Member (A)