

3

O.A. No.188/2009
ORDER DATED 21st JULY, 2009

Coram:

Hon'ble Mr. Justice K. Thankappan, Member (J)

Bijaya Kumar Singha..... Aplicant.

V.

Union of India & Ors. Respondents.

This Original Application has been filed by the applicant for direction to be issued to the Respondents to regularize his service in the post of Helper as Group 'D' cadre L.P.T., Lalitgiri, Cuttack with effect from 15.06.1995 with all consequential service benefits.

2. The short factual matrix leading to filing of this Original Application is that the applicant has continuously been working against a sanctioned post of Helper as Group 'D' cadre L.P.T., Lalitgiri, Cuttack with effect from 15.06.1995 without any interruption. However, the applicant had approached the authorities in the Department for regularization of his service, but till today, his representation dated 26.11.08 (Annexure-A/5) to that effect having not been considered, the present Original Application has been filed.

3. Heard Mrs. U.R. Padhi Ld. Counsel for the applicant, Sri S. Mishra, Ld. Addl. Standing Counsel for the Respondents and perused all the materials placed on record.

4. Mrs. Padhi Ld. Counsel submitted that even though, the applicant has been working against a sanctioned post since 14 years, keeping in mind various pronouncements

made by the Hon'ble Supreme Court from time to time, it should be deemed that there exists a regular vacancy and if so, according to the Ld. Counsel, it is high time that the Respondents should consider the case of the applicant for regularization.

5. On the other hand Sri Mishra, Ld. Counsel submitted that whether or not the applicant has been working against a sanctioned post is a matter to be taken care of by the Respondents and so is the matter in so far his regularization is concerned.

6. On considering all these aspects, this Tribunal is of the view that this Original Application can be disposed of at the stage of admission itself by directing Respondent No.2 to dispose of the representation dated 26.11.08 (Annexure-A/5), in which the entire case of the applicant is narrated elaborately, within a reasonable time, at any rate, within three months of the receipt of the copy of this order. Ordered accordingly.

7. It is also directed that the applicant to submit a copy of the representation, along with copy of this order to Respondent No.2 for follow up action.

8. With the above observation and direction, this Original Application is disposed of at the stage of admission. No order as to costs.

K. Thankappan
(K. THANKAPPAN)
JUDICIAL MEMBER