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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO.356 OF 2011

Cuttack the 18th day of January, 2013

CORAM

HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)

1. Gobardhan Khemundi,
aged about 44 years,
S/o. Dasi Khemundi
2. Nandibali Mishra,
aged about 47 years,
S/o. Nandibali Madav,
3. Hantal Lerry,
aged about 46 years,
S/o. Hantal Hari,
4. Muduli Damu
aged about 49 years,
S/o. Muduli Arjun,
5. Muduli Sunadhar,
aged about 48 years,
S/o. Muduli Magu,
6. R. Khora,
aged about 48 years,
S/o. K. Khora,
7. Durlia Budha,
aged about 51 years,
S/o. Durlia Sukra,
8. Oyal Samara,
aged about 48 years,
S/o. Oyal Pursti,
9. Narahari Bagh,
aged about 49 years,
S/o. M. Bagh,



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10. B. Durga,
aged about 52 years,
W/o. S. Durga,
 11. R. Bagh,
aged about 56 years,
S/o. D. Bagh,
 12. N. Bagh,
aged about 48 years,
W/o. R. Bagh,
 13. N. Nayak,
aged about 52 years,
S/o. G. Nayak,
 14. N. Samantray,
aged about 48 years,
S/o. A. Samantray,
 15. K. Sahu,
aged about 48 years,
S/o. G. Sahu,
 16. P.K. Das,
aged about 49 years,
S/o. R. Das,
 17. S. Nayak,
aged about 47 years,
S/o. B. Nayak,
 18. M. Gouda,
aged about 47 years,
S/o. Dhana Gouda,
 19. G. Khora,
aged about 48 years,
S/o. D. Khora,
 20. N. Bagh,
aged about 49 years,
S/o. D. Bagh,
 21. B. Brahma Achary,
aged about 53 years,
S/o. B. Bhaskar Achary,



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22. P. Sona,
aged about 49 years,
W/o. R. Sona,
 23. Jayapuria Sonu,
aged about 49 years,
S/o. Jayapuria Jagu,
 24. Kuladipia Hirabati,
aged about 48 years,
W/o. Dhanarjaya Kuldipia,
 25. Kuladipia Ghassi,
aged about 52 years,
S/o. Kuladipia Sona,
 26. R. Hial,
aged about 48 years,
S/o. B. Hial,
 27. Khilo Somanath,
aged about 50 years,
S/o. Khilo Rama,
 28. Muduli Samari,
aged about 54 years,
D/o. Muduli Budha,
 29. Khilo Sonia,
aged about 41 years,
S/o. Khilo Dhana,
 30. P.B. Machha,
aged about 47 years,
S/o. Gopinath Machha,
 31. S.S. Pradhan,
aged about 51 years,
S/o. B. Pradhan,
 32. G. Sethi,
aged about 53 years,
S/o. B. Sethi,

(All are at present working as Temporary Status workers, in the Central Cattle Breeding Farm, Semiliguda, Po.-Sunabeda, Dist-Koraput)

.....Applicants

(Advocate(s) for the Applicant Mr. K. Panigrahi)

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VERSUS

Union of India represented through –

1. Secretary,
Ministry of Agriculture
Department of Animal Husbandry and Dairying,
Krishi Bhawan,
New Delhi.
2. Secretary,
Department of Personnel & Training,
New Delhi.
3. Director,
Central Cattle Breeding Farm,
Semiliguda,
Po-Sunabeda,
Dist-Koraput.

... Respondents

(Advocate- Mr. G. Singh,)

ORDER**A.K.PATNAIK, MEMBER(J)**

In this Original Application 32 applicants having a common cause of action have approached this Tribunal, with the following prayer:-

“(a) Let the ratio decided in O.A. No.658 of 2005, on order dated 28.07.2006, passed by this Hon’ble Tribunal may kindly be made applicable to the applicants in this case and accordingly guideline dated 26.04.2004 under Annexure-2 be quashed and orders dated 30.09.04 (Annexure-3), 06.01.2005 (Annexure-4), 05.02.2011 (Annexure-8) and 25.02.2010 (Annexure-10), be set aside.

(b) Let the Respondent No.1 and 3 be accordingly directed to deduct General Provident Fund contribution from the monthly salary of the applicants, as before.

(c) Let the Respondents be accordingly directed to count 50% of the service rendered under Temporary status for the purpose of retirement benefit after regularization of the applicants.

(d) And pass any other order or orders as this Hon’ble Tribunal may deem fit and proper for the ends of justice.”



2. On being noticed Respondents Department have filed their counter opposing the prayer of the applicant. They have submitted that the O.A. being devoid of merit is liable to be dismissed.

3. Heard Mr. K. Panigrahi, Ld. Counsel for the applicant and Mr. G. Singh, Ld. ASC for the Respondents and perused the materials placed on record. In course of hearing Sri Panigrahi drew my attention to the orders of this Tribunal in O.A. No.658/05 disposed of on 28.07.2006, wherein, in similar situation, the Tribunal quashed the impugned order dated 26.04.2004 which is annexed in this case as Annexure-A/2. As a matter of fact, I have carefully gone through the said order of this Tribunal and found that the facts as set out in O.A. No.658/05 are akin to the facts of the instant case. Needless to mention that whereas the applicants in O.A. No.658/05 were appointed as Casual Labourer under Respondents Organization w.e.f. 01.09.1993 and were conferred with temporary status vide order dated 28.12.1994, in the present case too the applicants having been appointed as casual labourers were conferred with temporary status vide the very same order dated 28.12.994. Apart from the above, the grievance of the applicants in O.A. No.658/05 arose out of Office Memorandum dated 26.04.2004 which is also the genesis of the grievance of the applicants herein and this Tribunal having held the said O.M. dated 28.12.1994 not sustainable in the eye of law, quashed the same.


4. From the above analysis, it is quite clear that there is no distinction between the facts and circumstances of the O.A. No.658/2005 and the present O.A. In this view of the matter, I do not feel inclined to



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make departure from the view already taken by this Tribunal in the said O.A.

5. For the reasons stated above, the impugned Annexure-A/2 dated 26.04.2004 and in effect the consequential orders vide Annexures-A/3, A/4, A/8, and A/10 dated 30.09.2004, 06.01.2005, 05.02.2011 and 25.02.2010 respectively, are hereby quashed and set aside. Accordingly, the Respondents are directed to deduct the GPF deduction from the monthly salary of the Applicants.

6. In the result the O.A. is allowed to the extent indicated above. No costs.


(A.K. PATNAIK)
Member (Judicial)

KB,CM