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O.A. No.646/2011

ORDER DATED 27th OF SEPTEMBER, 2011

U. Naik.....Applicant
V/s.
Union of India & OthersRespondents
Coram:

HON'BLE MR. C.R. MOHAPATRA, MEMBER ADMN.

Heard Sri D.K. Panda, Ld. Counsel for the applicant and Sri S. Mishra, Ld. Addl. Standing Counsel appearing on notice for the Respondents on whom a copy of this O.A. has already been served and perused the materials placed on record.

2. Applicant has filed this Original Application seeking a direction for considering for the post of Office Attendant in STPI when the same is filled up on regular basis, by condoning upper age limit & taking into account his past experience.

3. As it appears, the applicant is working on contractual basis. When pointed out as to whether the applicant being a contractual employee this Tribunal could hear and adjudicate the matter, the Ld. Counsel for the applicant produced a copy of judgment dated 19.03.2010 of the Hon'ble High Court of Orissa in W.P (C) Nos.3388 & 3752 of 2010 and submitted that the Hon'ble High Court having held that contractual appointments made against the existing vacancies in Govt. establishments being appointments to Civil Service, there is no embargo for the Tribunal to entertain the matter. I have considered the submissions made by the Ld. Counsel for the parties in this regard and found that there is considerable force in the submission made by the Ld. Counsel for the applicant in so far as maintainability of this O.A. is concerned.

[Signature]

4. Ventilating his grievance the applicant has preferred a representation Vide Annexure-A/11 dated 14.06.2011 and having received no response, he has moved this Tribunal in the present O.A. It is seen that he has approached this Tribunal before expiry of six months from the date of the representation. However, during the course of hearing on admission Ld. Counsel for the applicant submitted that he would be satisfied if a direction is issued to Respondent No.4 to consider the representation vide Annexure-A/11 dated 14.06.2011 and dispose of the same within a specific time frame.

5. Having considered ~~to~~ the submissions made and as agreed to by the Ld. Counsel for the parties, without going into the merit of the case, Respondent No.4 is directed to consider and dispose of the pending representation vide Annexure-A/11 and pass a speaking & reasoned order as per rule within a period of 30 days from the date of receipt of copy of this order under intimation to the applicant. Until the representation as directed above, is disposed of the applicant shall not be disengaged.

6. With the above observation and direction, this O.A. is disposed of at the admission stage itself. No costs.

7. Send copy of this order along with copy of the O.A. to Respondent No.4 for compliance. Free copies of this order be also made over to the Ld. Counsel for the parties.


MEMBER ADMN.