

O.A. No. 464 of 2009Order dated: 07.10.2009

CORAM:

Hon'ble Mr. Justice K. Thankappan, Member(J)  
Hon'ble Mr. C.R.Mohapatra, Member (A)

This O.A. has been filed by the applicant for issuing two directions to the Respondents for considering the regularization of his service in the post of LSG, as evidenced by Annexure-A/1 and the clarification order made at Annexure-A/2. His promotion was on temporary/ad hoc basis. If so, as per the rule a person working in the LSG cadre could be promoted to HSG-II only after completion of three years of regular service. Hence, the Department has issued Annexure-A/8 letter in which it is stated that since the applicant has not got three years of regular service in the feeder category, he is not entitled for promotion to the post of HSG-II. Aggrieved by Annexure-A/8 and the non-regularization of the applicant in the post of LSG, he has filed the present O.A.

2. We have heard Mr. K.C.Kanungo, Ld. Counsel appearing for the applicant and Mr. S.B.Jena, Ld. Additional Standing Counsel appearing for the Respondents on notice.



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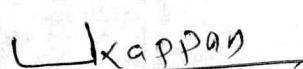
We have also perused the documents produced before this Tribunal.

3. Admittedly, as per the promotion rule, it is mandatory that a candidate working in LSG cadre should have three years of regular service in that cadre for promotion to the post of HSG-II. As per Annexure-A/1 and A/2, the applicant was promoted or rather working as LSG only on ad hoc/temporary basis.

4. In the above circumstances, we are not inclined to allow the second prayer of the O.A. However, we are directing the Respondent No.2 to reconsider Annexure-A/7 representation with regard to regularization of service of the applicant in the cadre of LSG w.e.f. the date of his officiating as LSG and pass appropriate orders within a reasonable time, at any rate, within 30 days from the date of receipt of a copy of this order.

5. With the above order, the O.A. is disposed of.  
No costs.

  
MEMBER (A)

  
MEMBER (J)

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