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OA No.539 of 2009
Taranisen Pradhan Applicant
Versus
Union of India & Others Respondents

ORDER DATED: 3-02-2010

C O R A M
THE HON'BLE MR.JUSTICE K.THANKAPPAN, MEMBER (J)
A N D
THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (A)

According to the Applicant he has been continuing under the Respondents since 1989 and is in receipt of 1/30th pay of a regular Group C employee w.e.f. 1.6.1991. Further stand of the applicant that he is in receipt of regular scale of pay, DA and all other allowances which are drawn by regular Group D employee of the Department w.e.f. 16.4.1990. His grievance is that though he is entitled to the benefit of conferment of temporary status consequently regularization pursuant to the OM under Annexure-2 he has been deprived of the same. Next contention of the Applicant is that one of his counter part similarly situated employee approached this Tribunal in OA No. 266 of 1997. The matter was favourably decided by this Tribunal. Respondents challenged the said decision of this Tribunal before the Hon'ble High Court of Orissa in OJC No.9786 of 2000. The Hon'ble High Court of Orissa heard OJC No.9786 of 2000 along with another matter (OJC No.10664 of 2000) filed by the Respondents challenging the similar order passed by this Tribunal ultimately vide order dated 20.2.2009 dismissed both the matters thereby upholding the decision of this Tribunal. The stand of the applicant that as his case stands on similar footing like that of the case in OA No.266 of 1997. By making representation he prayed for extension of the benefit of the scheme of conferment of temporary status and

regularization pursuant to the order of the Tribunal which was confirmed by the Hon'ble High Court of Orissa. Complaining no action by the Respondents he has approached this Tribunal in the present Original Application virtually seeking extension of the benefit of the aforesaid order of this Tribunal.

2. In spite of copies of this OA having been served on the Learned Standing Counsel before the matter was taken up for admission on 20.11.2009 and in spite of notice having been served on the Respondents through this Tribunal asking to file their reply and sufficient opportunity meanwhile having been granted for the same, the Respondents preferred not to file any reply till date. Though Learned Counsel for the Applicant built up his case on the basis of the earlier decisions of this Tribunal, referred to above, but preferred not to file either copy of the order of this Tribunal or the order of the Hon'ble High Court of Orissa enabling this Tribunal to make a comparison in the matter.

3. On perusal of record, it is seen that the representation of the applicant under Annexure-4 is stated to be pending with the Respondents and it is the specific case of the Applicant that his case is fully covered by the above two decisions. In view of the above, without going into the merit of the matter, this OA is hereby disposed of by directing the Respondents to consider the case of the Applicant for granting the benefits, if at all it has been granted to the applicants in other cases referred to above or would be granted pursuant to the directions of this Tribunal which was confirmed by the Hon'ble High Court of Orissa provided the applicant case is covered by the earlier cases. This exercise, the Respondents shall have to do within a period of ninety days from the date of receipt of this order. No costs.

K. Thankappan
(JUSTICE K. THANKAPPAN)
MEMBER (JUDICIAL)

C.R. Mohapatra
(C.R. MOHAPATRA)
MEMBER (ADMN.)