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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No.260/00231 of 2015
Cuttack, this the 6th day of May, 2015

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

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1. Badal Jena, aged about 56 years, Son of Akula Jena, At-Jubuli Town, P.O- Godisahi, Dist-Dhenkanal.
2. Kanthamani Nayak, aged about 45 years, Son of Late Balaram Nayak, At-Khaleri, P.O-Alang, Dist-Jagatsinghpur.
3. Mahendra Kumar Naik, aged about 44 years, Son of Manguli Naik, At-Podapada, P.O-Argul, P.S- Jatni, Dist-Khurda.
4. Rama Prasad Sahu, aged about 38 years, Son of Late Mahadev Sahu, At-Khandual, P.O- Dhanupali, Dist-Sambalpur.
5. Sayad Habib Alli, aged about 41 years, Son of Late Sayad Samser Alli, At/P.O- Mukundadaspur, Via-Pipili, Balipatna, Dist-Khurda.
6. Hemant Kumar Sahu, aged about 35 years, Son of late Bidyadhara Sahu, At-Changudia, P.O-Kakudia, P.S- Kaniha, Dist-Angul.
7. Hadu Pradhan, aged about 41 years, Son of late Bhakodo Pradhan, At-Bada Bazar, Sambalpur, Dist-Sambalpur.
8. Chhabi Barik, aged about 37 years, Son of late Sanatana Barik, At/P.O- Pandlam, P.S- Kalapathara, Dist -Cuttack.
9. Babu Naik, aged about 42 years, Son of late Dama Naik, At/P.O- kiajara, P.S- Khandapada, Dist-Nayagarh.
10. Rama Krushna Padhi, aged about 40 years, Son of Subash Ch. Padhi, At/P.O - Bellaguntha, Dist -Ganjam.
11. Babuli Panigrahi, aged about 40 years, Son of late Ramachandra Panigrahi, At-Badagada, P.O- Bandhaguda, Via- Seariguda, Dist-Ganjam.
12. Panchu Kumbhar, aged about 38 years, Son of Bairagi Kumbhar, At-Bramhari Dungri, P.O-G.S. Duguripalli, Dist-Balangir.
13. Gopagobinda Mallick, aged about 42 years, Son of late Ganesh Prasad Mallick, At/P.O- Haripur, P.O- Sahada, Via-Sabaranga, Dist-Bhadrak.



14. Manoranjan Jena, aged about 37 years, Son of late Bhikari Jena, At/P.O- Gopalagoin (LBS Marg.) Moti Ganj, Balasore.
15. Rashmi Ranjan Behera, aged about 37 years, Son of Rangadhara Behera, At-New Panitanki Colony, Gotghar, Plot No. A/8, Sector-5, Rourkela-2, Dist-Sundergarh.
16. Mukutrani Ekka, aged about 38 years, Son of Fransis Ekka, At/P.O- Kesramal, Via-Rajgangpur, Dist -Sundrgarh.
17. Gadadhara Pradhan, aged about 39 yrs, Son of Udaya Narayan Pradhan, At-Tahalia, P.O- Chaka, Jagannathpur, Dist-Balasore.
18. Brajakishor Mathan, aged about 36 yrs, Son of Bansidhara Mathan, At-Mathasahi, P.O- Baradia, Rajkanika, Dist-Kendrapara.
19. Banamber Lenka, aged about 40 years, Son of Jhari Lenka, P.O- Haladia, At-Bramhani Bereni, Dist-Khurda.
20. Prakash Chandra Sahoo, aged about 34 years, Son of Biswanath Sahoo, At-Manasila, P.O- Belagaon, Via-Palasara, Dist-Ganjam.
21. Sk. Riazuddin, aged about 46 years, Son of Sk. Riasatuddin, At/P.O- Rasulpur, Via- Lataharan, Dist-Puri.
22. Padman Bag, aged about 42 years, Son of Kasti Bag, At/P.O- Dalipali, P.S- Bhasma, Dist-Sundergarh.
23. Umesh Ch. Tudu, aged about 46 years, Son of Jagan Tudu, At-Nayadera, P.O- Assurchpla, Rourkela-43, Dist-Sundergarh.
24. Sanatan Dakoa, aged about 40 years, Son of late Magata Dakoa, At/P.O- Bhanja Nagar, Chirangibi Pattnaik Street, Dist -Ganjam.
25. Prasanta Kumar Padhy, aged about 42 years, Son of late Damodara Padhi, At/P.O- Podangi, Via-Pital, Dist-Ganjam.
26. Mehendranath Behera, aged about 38 years, Son of late Anam Behera, At-Tandikora, P.O- Urada, Dist -Cuttack.
27. Dipti Ranjan Nayak, aged about 38 years, Son of Kailash Ch.Nayak, At/P.O- Ghodansh, Dist-Jagatsinghpur.
28. Kamala Bhoi, aged about 39 yrs, Son of Chandramani Bhoi, At-Deheripali, P.O- Budharaja, Dist-Sambalpur.
29. Krushna Ch.Bhoi, aged about 38 years, Son of Ramachandra Bhoi, At/P.O- Biraramachandrapur, Dist-Puri.



30. Rabinarayan Bhoi, aged about 38 yrs, Son of late Makara Bhoi, At/P.O- Pratap Purusottampur, P.S- Chandanpur, Dist-Puri.
31. Brajendra Kumar Behera, aged about 46 years, Son of Niranjana Behera, At-Telugunuagain, P.O- Agasti Nuagam, Dist-Ganjam.
32. Ajit Kumar Prusty, aged about 38 years, S/o. Sanatana Prusty, At-Jualibandha, P.O- Mathatentulia, Via- Gondiapatna, Dist-Dhenkanal.
33. Renubala Sahoo, aged about 34 yrs, Wife of Ranjan Kumar Pradhan, Qr.No. F-2/1, Designs Colony, B.J.B. Nagar, Bhubaneswar, Dist-Khurda.
34. Kapilendra Mahapatra, aged about 43 years, Son of Ramesh Ch. Mahapatra, At-Ketaki Patna, P.O- Lalitapahandi, Via-Sakhigopal, Dist-Puri.
35. Rebati Jena, aged about 38 years, W/o. Mayadhara Jena, At/P.O- Jaganathapur, P.S-Balianta, Dist-Khurda.
36. Krushna Chandra Behera, aged about 35 years, Son of Hazari Behera, At/P.O- Jagannathpur, P.S- Balianta, Dist-Khurda.
37. Judhistira Jena, aged about 34 yrs, Son of Achhaba Jena, At/P.O- Hantuka, P.S- Chandanpur, Dist-Puri.
38. Madhusudan Das, aged about 48 years, Son of late Purnananda Das, At/P.O- Goti Sahi, P.S- Saranakul, Dist-Nayagarh.
39. Gadadhara Sahoo, aged about 38 years, Son of Bainsidhara Sahoo, At/P.O- Haladia, Dist-Khurda.
40. Ashok Sangitra, aged about 46 years, Son of late Damodara Sangitra, At-Harachandi Sahi, P.O- Old Town, Dist-Khurda.
41. Rabindra Behera, aged about 35 years, Son of Jogendra Behera, At-Rahama, P.O-Postala, Via-Bramhanasailo, Dist-Cuttack.
42. Sarat Chandra Behera, aged about 38 years, Son of Ganeswara Behera, At-Kantapatna, P.O- Lethaka, P.S- Gondia, Dist-Dhenkanal.
43. Susanta Kumar Sahoo, aged about 38 years, Son of Kumudabandhu Sahoo, At-Balikatirana, P.O- Anantapur, Via-Sora, Dist-Balasore.
44. Khageswara Sahu, aged about 42 yrs, Son of Mangulu Sahu, At/P.O- Badagugua, P.S-Banei, Dist-Sundergarh.
45. Pankaj Ku. Pattnaik, aged about 38 years, Son of late Sarat Chandra Pattnaik, At- Alliabad, P.O- Karapada, Dist-Ganjam.



46. Sanjay Kumar Das, aged about 42 yrs, Son of late Arakhita Das, At-Bazar Sahi, P.O- Rahama, Dist-Ganjam.
47. Purna Chandra Das, aged about 33 yrs, Son of Madhusudan Das, At/P.O- Gotisahi, P.S Sarnakul, Dist-Nayagarh.
48. Snehalata Sadangi, aged about 48 yrs, Wife of late Sarat Sadangi, At-Kahalia, Baligohiri, P.O- Raj Nilagiri, Dist-Balasore.
49. Hrusikesh Maharana, aged about 45 yrs, Son of late Madan Maharana, At-Pathara, P.O- Bahadurpeta, Dist-Ganjam.
50. Biswajit Suna, aged about 31 years, Son of late Amritlal Suna, At-Stationpada, P.O- Khetrarajpur, Dist-Sambalpur.
51. Seshadev Kumbhar, aged about 35 yrs, Son of Bairagi Kumbhar, At-Bramhani Dunguri, P.O- G.S. Dunguripalli, Via-Chudapali, Dist-Bolangir.
52. Ashok Chhatriya, aged about 32 yrs, Son of Kunja Chhatriya, At-Qr.No.245, Sector-7, Rourkela, Dist-Sundergarh.
53. Bishnu Prasad Mishra, aged about 40 years, Son of Parasara Mishra, At-Jemadeipur Sasan, P.O/P.S- Narasinghpur, Dist-Cuttack.
54. Ramesh Chandra Maharana, aged about 41 years, Son of Dambarudhara Maharana, At/P.O- Kanda Bindhu, Via-Gadasahi, Dist-Dhenkanal.
55. Girish Chandra Dash, aged about 37 yrs, Son of Gobardhana Dash, At-Sarod, P.O- Tampalo, Via-Gop, P.S-Nimapara, Dist-Puri.
56. Bapi Kabati, aged about 30 years, Son of Krushna Kabati, At-Athanga, P.O- Sidheswarpur, Dist-Cuttack.
57. Subasini Gouda, aged about 34 years, D/o. late Nityananda Kanta, At-Rajgangpur (Master Colony), Dist-Sundergarh.
58. Arjuna Bhoi, aged about 30 years, Son of Rama Chandra Bhoi, At/P.O- Bira Ramachandrapur, P.S- satyabadi, Dist-Puri.
59. Sanjukta Mohanty, aged about 42 years, Wife of late Parsuram Mohanty, At-Hatasahi, P.O- Sriramchandrapur, P.S- Satyabadi, Dist-Puri.
60. Rohita Kumar Sahoo, aged about 38 years, Son of late Dhaneswar Sahoo, At/P.O- Kandabindha, Via-Gadasila, Dist- Dhenkanal.
61. Gumani Maharana, aged about 33 years, Son of Dambarudhara Maharana, At/P.O- Kandabindha, Via-Gadasila, Dist- Dhenkanal.



62. Sridhar Prasad Parida, aged about 40 years, Son of Laxman Parida, At-Dehulia Patana, P.O- Kihajhar, Bhubaneswar, Dist-Khurda.
63. Srinibas Lenka, aged about 39 years, Son of late Surendranath Lenka, At-Old Town, Bhubaneswar, Dist-Khurda.
64. Manoj Kumar Pattanaik, aged about 38 years, Son of Bholanath Nayak, At/P.O- Pankapal, Via-Rahama, Dist-Jagatsinghpur.
65. Ashok Naik, aged about 37 years, Son of Paramananda Gochhayat, At-Misar, P.O- Putuli, Dist-Kendrapara.
66. Pradip Gochhayat, aged about 40 years, Son of Dhadi Gochhayat, At/P.O- Erasama, Dist-Jagatsinghpur.
67. Nilambar Tripathy, aged about 44 years, Son of Parshuram Tripathy, At-Ramsigha, P.O-Khalia, Dist-Bolangir.
68. Harekrushna Hotta, aged about 40 years, Son of Rajendra Hotta, resident of Kasturi Nagar, 5th Lane, Rayagada.
69. Fakir Mohan Dalai, aged about 40 years, Son of Krushna Chandra Dalai, At-Korakora, P.O- Baramanda, Cuttack
70. Srikanta Panda, aged about 31 years, Son of Suraj Narayan Panda, resident of Chadiapalli, P.O- Bhalasiali, P.S -Buguda, Dist -Ganjam.
71. Krushna Chandra Lohar, aged about 42 years, Son of Ganesh Lohar, At-Bankotola, P.O- Khuntaboon, Dist-Sundergarh.
72. Prasanna Kumar Sahu, aged about 37 years, Son of Tofan Kumar Sahu, At-Mohanapur, PO- Khalikote, Dist-Ganjam.
- 73 Sanjaya Mallik, aged about 30 years, Son of Bhagaban Mallik, At/P.O- Mulalasaha, P.S- Satyabadi, Dist-Puri.
74. Kamalakanta Das, aged about 38 years, Son of Laxmidhar Kandhua, At-Bhubanpur, Baliana, Dist-Khurda.
75. Ramesh Kumar Sahoo, aged about 42 years, Son of Jogeswar Sahoo, At/P.O- Godipada, Dist-Nayagarh.
76. Chhabindra Kumar Behera, aged about 47 years, Son of Fakira Behera, At-Pradhan Sahi, Dist-Cuttack.
77. Pabitra Kumar Panda, aged about 40 years, Son of Suryamani Panda, At-Andigoda, P.O- Odisho, Dist-Jajpur.

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78. Naresh Naik, aged about 38 years, Son of P. Naik, residing at Central Excise Customer Service, Headquarter, Bhubaneswar, Dist-Khurda.
79. Shyam Bahadur Rai, aged about 45 years, Son of R.Bahadur Rai, residing at Central Excise Customer Service, Headquarter, Bhubaneswar, Dist-Khurda.
80. Durga Charan Soren, aged about 42 years, Son of late Sukul Soren, At-Kendukhunta, P.O- Khard, P.S- Raibania, Dist-Balasore.

.....Applicants

Advocate(s)... M/s. S.K.Dalai.

VERSUS

Union of India represented through

1. Secretary,
Ministry of Finance,
Central Board of Excise and Customs,
North Block, New Delhi.
2. Chief Commissioner,
Central Excise and Customs and Service Tax,
Bhubaneswar-II, Central Revenue Building,
Rajaswa Vihar, Bhubaneswar, Dist-Khurda.
3. Regional Labour Commissioner(Central),
Kendraiya Shrama Sadan, N-7, IRC Village,
Bhubaneswar, Dist. Khurda.

..... Respondents

Advocate(s)..... Mr. B.P.Nayak

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ORDER (ORAL)

A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. S.K.Dalai, Learned Counsel for the Applicants, and Mr. B.P.Nayak, Ld. Addl. Central Govt. Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served, and perused the materials placed on record.



2. M.A.No. 338/15 filed the applicants to prosecute this jointly is allowed subject to payment of Rs. 50/- per applicant except applicant No.1. Mr. Dalai undertakes to make the payment by 11.05.2015. M.A. is, accordingly, disposed of.

3. Applicants have filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985 praying for the following reliefs:

“(i) why the impugned order dtd. 30.12.2010 under Annexure-A/8 shall not be quashed declaring the same as illegal, arbitrary, malafide, unconstitutional and contrary to the settled principles of law and rule of service jurisprudence;

(ii) why the respondents shall not be directed to consider the representation of the applicants to allow them to work in their respective work places with further direction to issue necessary direction to regularize the service of the applicants with retrospective effect and allow them for 1/30th pay scale for the interest of justice.

(iii) And pass such other relief.....”

4. Applicants in this O.A. have challenged the order dtd. 30.12.2010 issued by the Director, AD.III, in rejecting the recommendation of Respondent No.2 in considering their regularization in view of the direction of the Hon'ble Apex Court. They have further challenged the inaction of the Respondents, more particularly Respondent No.2, in considering their claim in allowing them to work in their previous work place in view of their initial appointment. Mr. Dalai, Ld. Counsel for the applicants, submitted that ventilating their grievances the applicants made representations vide Annexure-A/13 series before Respondent No.2 but till date they have received no response on their representations and the same are still pending consideration.


5. Taking into account the submission made by Mr. Dalai, Ld. Counsel for the applicants, without expressing any opinion on the merit of the case, I dispose of



this O.A. at this admission stage by directing Respondent No. 2 to consider and dispose of the representations, if the same have been filed and are still pending consideration, keeping in mind the orders passed by the Hon'ble Apex Court with a well reasoned order and communicate the same to the applicants within a period of 30 days from the date of receipt of a copy of this order. However, the points raised by the applicants in their representations are kept open for the authorities to consider the same as per the law and rules in force. However, if in the meantime the said representations have already been disposed of then the result thereof be communicated to the applicants within a period of two weeks.

6. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

7. As prayed for by Mr. Dalai, Ld. Counsel for the applicant, copy of this order, along with the paper book, be transmitted to Respondent No. 2 by Speed Post at the cost of the applicants, for which he undertakes to furnish the postal requisites by 08.05.2015.


(A.K.PATNAIK)
MEMBER(Judl.)

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