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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00486 OF 2016
Cuttack, this the 26th day of July, 2016

CORAM

HON'BLE MR. A.K. PATNAIK, MEMBER (J)
HON'BLE MR. R.C. MISRA, MEMBER(A)

.....
Binayak Dihudi, aged about 41 years, S/o. Debaraj Dihudi, At present working as Lecturer in Mathematics, CIPET, Bhubaneswar, B/25, CNI Complex, PO. Patia, P.S. Infocity, Bhubaneswar, Dist- Khurda.

.....Applicant

By the Advocate(s)-M/s S.B. Jena, S. Behera.

-Versus-

Union of India, represented through

1. Secretary, Department of Chemical and Petro-Chemicals, Ministry of Chemicals & Fertilizers, Shastri Bhawan, New Delhi-110001.
2. The Central Institute of Plastics, Engineering and Technology, Department of Chemical and Petro-Chemicals, Ministry of Chemicals & Fertilizers, Govt. of India, having its Head Office At-TVK Industrial Estate, PO. Guindy, Chennai-600032, Tamilnadu, represented through its Director General, (Member Secretary CIPET Governing Council).
3. Director and Head, HLC, Central Institute of Plastics, Engineering and Technology, Department of Chemicals and Petro-Chemicals, Ministry of Chemicals and Fertilizers, Govt. of India, B/25, CNI Complex, PO. Patia, P.S. Infocity, Bhubaneswar, District-Khurda.
4. Administrative Officer, Central Institute of Plastics, Engineering and Technology, Department of Chemicals and Petro-Chemicals, Ministry of Chemicals and Fertilizers, Govt. of India, B/25, CNI Complex, PO. Patia, P.S. Infocity, Bhubaneswar, District-Khurda.

.....Respondents

By the Advocate(s)- S.P. Pati

ORDER(Oral)

A.K.PATNAIK, MEMBER (J):

Heard Mr. S.B. Jena, Ld. Counsel appearing for the applicant and Mr. S.P. Pati, Ld. Counsel appearing for the Respondent-CIPET, on whom a copy of this O.A. has already been served and perused the materials placed on record.

2. It is case of the applicant that he was appointed as Lecturer in Mathematics on contractual basis vide order dated 22.07.2013 (Annexure-A/3) in which it has been stated that "Mr.Binayak Dihudi is hereby engaged as "Lecturer in Mathematics on Contract" for HLC of CIPET for a period of three years with effect from date of joining and your place of duty will be present at CIPET HLC, Bhubaneswar.

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3. Mr. Jena submitted that the applicant joined as Lecturer in Mathematics on contractual basis on 05.08.2013 and his period is going to expire on 05.08.2016 and in the meantime, Respondents have not yet advertised for appointment for further posting of Lecturer in Mathematics on contractual basis. He further submitted that the applicant though has been working as Lecturer in Mathematics on contractual basis for the last three years, yet he has not been regularized.

4. On scrutiny of document, we find that no such representation has been preferred by the applicant for regularization of his service. We cannot go by the apprehension of the applicant that after the advertisement, if issued, any one will be engaged and he will be disengaged. However, Mr. Jena prayed to withdraw this O.A. with liberty to the applicant to make a representation to Respondent No.2 within a period of two weeks from today and a direction may be issued to Respondent No.2 to consider the same and dispose of within a specific time frame.

5. As no representation has been filed, ^{looking} ~~taking~~ into the submission made by Mr. Jena we allow him to withdraw the present O.A. by granting liberty to the applicant to make a representation to Respondent No.2 within a period of two weeks. If any such representation is preferred within two weeks' from today, i.e., by 22.08.2016 then the same may be considered and disposed by a well-reasoned order taking into account the period of service rendered by him to the institution as per the extant Rules and communicate the result thereof to the applicant within a period of one month from the date of receipt of a copy of this order. However, we hope and trust that since the applicant's tenure is going to be over on 05.08.2016, the Respondents may allow the applicant to work in the present of post till the representation is disposed of.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER(J)