

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O.A.No. 487 of 2012

Cuttack, this the 29th day of June, 2012

CORAM

THE HON'BLE MR.C.R.MOHAPATRA, MEMBER, (ADMN.)

And

THE HON'BLE MR.A.K.PATNAIK, MEMBER (JUDL.)

.....

1. K.Rupendra aged about 42 years, S/o.LateK.Sanyasi,At-Gobindpur,PO-Surala,Via-Girisola,PS-Golantra, Dist. Ganjam.
2. Suresh Barala, aged about 38 years, S/o.Late BuleiBarala, At-Haldia, PO. Cortala, Via/Ps/Dist.Jagatsinghpur.
3. Yogendra Ghadei, aged about 50 years, S/o.Ananda Chandra Ghadei, At/Po.Amarakhuda, Via-Banamalipur, PS.Balipatna, Dist.Khurda.
4. Satrugan Das, aged about 40 years, S/o.Rabindra Das, At-Saradeipur, Po.Biranilakanthapur, Via/PS/Dist. Kendrapara.
5. Rakhal Chandra Lenka, aged about 38 years, S/o.Bhaskar Lenka, At-Nanpur,Po.Jhadalinga, Via/PS-Astaranga, Dist.Puri.

[All are presently working as Casual Labourers in the Office of
Principal Accountant General (A&E), Orissa, Bhubaneswar.]

....Applicants

By legal practitioner: M/s.D.P.Dhalsamant, N.M.Rout, Counsel

-Versus-

1. Union of India represented through its Comptroller and Auditor General, 10-BahadursahaMarg, New Delhi-110 124.
2. Principal Accountant General (A&E), Orissa, Bhubaneswar, Dist. Khurda-753 001.
3. Senior Deputy Accountant, O/O. the Principal Accountant General (A&E), Orissa, Bhubaneswar, Dist. Khurda-753 001.
4. Senior Audit Officer (Admn.), O/O the Principal Accountant General (Civil Audit), Orissa, Bhubaneswar, Dist.Khurda-753 001.

....Respondents

By legal practitioner: Mr.U.B.Mohapatra, SSC

Absent (on accommodation)

ORDER

Heard Mr.D.P.Dhalsamanta, Learned Counsel for the
Applicants both on OA so also on MA No. 571of 2012 filed by the
Applicants seeking permission to prosecute this OA jointly. Mr.
U.B.Mohapatra, Learned SSC who has received copy of this OA so
also MA on 28-06-2012 is absent (on accommodation) today. In

view of the facts stated in the OA as also in the MA, prayer made in the MA is allowed and is accordingly disposed of.

It is seen that this OA has been filed by FIVE applicants who have applied as against 98 (horizontal reservation) and 10 (vertical reservation) vacancies for appointment to the posts in PB I under the Respondents pursuant to the advertisement at Annexure-A/2. Their contention is that they were called for interview and final result of the recruitment containing 110 names (excluding the name of the Applicants) was published at Annexure-A/4 dated 26th April, 2012. List of Casual Laboures who could not find place in the final merit list (at Annexure-A/4) for want of vacancies in the respective categories has been at Annexure-A/5 dated 2nd May, 2012 in which the name of the Applicants could find place. Being aggrieved by their non-selection and selection of others, they have approached this Tribunal in the instant OA in which they have prayed as under:

“8.1. That direction to be issued to the Respondents to include the applicants in the final result of MTS recruitment published on 26.4.2012 (Annxure-A/4);

8.2. That direction may be issued to the respondents to appoint the applicants in respective suitable post of PB-1;

8.3. And further ~~be~~ pleased to pass any order/order(s) as deem fit and proper to give complete relief to the applicants.”

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By way of ad interim order, they have sought the following reliefs:

"Direction be given to the respondents not to disengage the applicants and allow the applicants to continue as casual labourers till disposal of the original application."

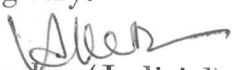
On perusal of records we find that while making references the applicants have made certain comments in regard to the order passed by this Tribunal in OA No.374 of 2009 but without enclosing copy of the said order to this OA. In absence of the records pertaining to the above OA, we are unable to appreciate the relationship/relevance of reference and comments made thereon in the context of the prayer made in this OA. In view of the above, we are prima facie not satisfied that this OA to be a fit case for admission without hearing the other side. Mr. U.B.Mohapatra, Learned SSC is absent on accommodation till 3rd July, 2012. Hence on the consent of the Learned Counsel for the Applicants this OA is fixed to 5th July, 2012 for giving detail consideration on the question of admission. Registry is directed to list this matter on 5th July, 2012 along with this OANo ³⁷⁴(347)09. R

Mr. Dhalsamanta, submits that the applicants are in apprehension of their disengagement from casual engagement and at least till 5th July, 2012 necessary protection may be granted to the Applicants. Considering the submissions, while fixing this case

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to 5th July, 2012 we direct the Respondents that if the applicants are in casual engagement they should not be disengaged till 5th July, 2012.

As requested, copy of this order be sent to the Respondents 3 and 4 by special messenger at the cost of the Applicants; for which Learned Counsel for the Applicants undertakes to deposit the cost of the special messenger in the Registry.


Member (Judicial)


Member (Admin.)